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TOWN OF WESTFIELD
BOARD OF ADJUSTMENT

IN RE :
PUBLIC HEARING :
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TRANSCRIPT OF PROCEEDINGS
Monday, March 14, 2022
Municipal Building
425 East Broad Street
Westfield, New Jersey
Commencing at 7:30 p.m.

Meeting held virtually via Zoom

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B E F O R E:

FRANK FUSARO, CHAIRMAN
CHRIS MASCHIALE, VICE-CHAIRMAN
ALLYSON HROBLAK, MEMBER
ELDY PAVON, MEMBER
MATT SONTZ, MEMBER
CAROL MOLNAR, MEMBER
CHARLES GELINAS, FIRST ALTERNATE
SAMUEL REISEN, SECOND ALTERNATE

DON SAMMET, ZONING OFFICIAL/PLANNER

A P P E A R A N C E S:

WELLS, JAWORSKI & LIEBMAN, LLP
BY: KATHRYN J. RAZIN, ESQ.
Attorney for the BOARD

HEHL & HEHL
BY: STEPHEN HEHL, ESQ.
Attorney for the APPLICANTS DIPIETRO AND
FERRARO

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**HEARING CARRIED TO MAY 9, 2022*

1 - - - - -
 2 P R O C E E D I N G S
 3 - - - - -

4 CHAIRMAN FUSARO: This is a meeting
 5 of the Zoning Board of Adjustment for the Town of
 6 Westfield. If everyone could please rise for the
 7 Pledge of Allegiance.

8 (Whereupon, the Pledge of Allegiance
 9 was recited.)

10 CHAIRMAN FUSARO: Thank you. This
 11 is a regularly scheduled meeting for the Board of
 12 Adjustment of the Town of Westfield at which
 13 formal action may be taken. The public will have
 14 the opportunity to be heard as the Board considers
 15 these applications. Adequate notice of this
 16 meeting was provided by posting on the bulletin
 17 board of the Town Hall, mailing of notices to the
 18 Westfield Leader, the Newark Star Ledger, and
 19 filing with the town clerk of the Town of
 20 Westfield all in accordance with the requirements
 21 of the Open Public Meeting Act.

22 Katherine Razin, the Board Attorney,
 23 will give a brief statement explaining the Board
 24 of Adjustments powers, purpose, and criteria for
 25 granting variances.

1 MS. RAZIN: Good evening. Last
2 month, we talked about the fact that the Board can
3 grant appeals of the Zoning Officer's decision and
4 also interpretations. And so, I wanted to also
5 advise the types of D Variances that were subject
6 to the Board's jurisdiction. There're actually
7 six types of D variances which are all in addition
8 to the C-type Variances. There's the D-1
9 Variance, which is a use variance with a type of
10 underlying use. There's a D-2 Variance, which
11 expands a nonconforming use or structure. A D-3
12 Variance for a conditional use. A D-4 Variance
13 for FAR, floor area ratio. A D-5 Variance, which
14 is and increate in the permitted density. And a
15 D-6 Height Variance. And those are all under the
16 70-D Section and under the Board's purview as part
17 of the release that can be granted.

18 CHAIRMAN FUSARO: Thank you,
19 Ms. Razin. Mr. Secretary, can you please call the
20 roll?

21 MR. SAMMET: Certainly.

22 Chair Fusaro.

23 CHAIRMAN FUSARO: Here.

24 MR. SAMMET: Ms. Hroblak.

25 MS. HROBLAK: Here.

1 MR. SAMMET: Mr. Masciale.

2 MR. MASCIALE: Here.

3 MR. SAMMET: Ms. Molnar.

4 MS. MOLNAR: Here.

5 MR. SAMMET: Ms. Pavon.

6 MS. PAVON: Here.

7 MR. SAMMET: Mr. Sontz.

8 MR. SONTZ: Here.

9 MR. SAMMET: Mr. Gelinas.

10 MR. GELINAS: Here.

11 MR. SAMMET: Mr. Reisen.

12 MR. REISEN: Present.

13 MR. SAMMET: And Mr. Cohen is absent
14 this evening.

15 CHAIRMAN FUSARO: Thank you,
16 Mr. Sammet. We are going to -- before we get into
17 the memorialization of the resolutions from the
18 last meeting, I just want to announce one slight
19 adjustment to our modifications to our agenda.
20 The agenda that was published stated that we would
21 be reviewing the draft of our 2021 Annual Report
22 at the end of the meeting. However, we are going
23 to move that up to the beginning of the meeting.
24 We'll try to keep it as short and brief as
25 possible knowing that we have a full agenda this

1 evening. So, I just wanted to make that
2 announcement, number one.

3 Number two, let's move on to the
4 approval of the Minutes from the last meeting. I
5 believe the Board Members all received the actual
6 181-page transcript of our meeting of February 14.

7 Does anyone have any questions or
8 modifications to that transcript?

9 MR. MASCIALE: No.

10 CHAIRMAN FUSARO: Seeing none, may I
11 have a motion to approve the Minutes from the
12 Board meeting of February 14?

13 MR. MASCIALE: So moved.

14 MS. MOLNAR: Second.

15 CHAIRMAN FUSARO: Seconded,
16 Ms. Molnar. All in favor?

17 BOARD MEMBERS: Aye.

18 CHAIRMAN FUSARO: Seeing none, the
19 Minutes are approved.

20 Next is the memorialization of
21 resolutions. We have one resolution from our
22 January 31, 2022, meeting, as well as, I believe,
23 five resolutions from our February 14, 2022,
24 meeting. So, Mr. Sammet, I will turn the floor
25 over to you for the approval of the resolutions.

1 MR. SAMMET: We have the first on
2 your agenda is the resolution for 918 South Avenue
3 West. Is there a motion to approve this
4 resolution?

5 MR. MASCIALE: So moved.

6 MR. SAMMET: By Mr. Masciale. And a
7 second?

8 MS. HROBLAK: Second.

9 MR. SAMMET: Seconded by
10 Ms. Hroblak. And I'll read the eligible members
11 off the resolution, itself. Chair Fusaro.

12 CHAIRMAN FUSARO: Yes.

13 MR. SAMMET: Mr. Masciale.

14 MR. MASCIALE: Yes.

15 MR. SAMMET: Ms. Molnar.

16 MS. MOLNAR: Yes.

17 MR. SAMMET: Mr. Cohen is absent.

18 Ms. Hroblak.

19 MS. HROBLAK: Yes.

20 MR. SAMMET: Ms. Pavon.

21 MS. PAVON: Yes.

22 MR. SAMMET: And Mr. Sontz.

23 MR. SONTZ: Yes.

24 MR. SAMMET: Thank you.

25 CHAIRMAN FUSARO: Resolution is

1 approved. Thank you.

2 MR. SAMMET: The next resolution is
3 for Tanya Brubaker at 920 Irving Avenue. Is there
4 a motion to approve this resolution?

5 MR. MASCIALE: So moved.

6 MR. SAMMET: By Mr. Masciale. Do we
7 have a second?

8 MR. SONTZ: Second.

9 MR. SAMMET: Seconded by Mr. Sontz.
10 Chair Fusaro.

11 CHAIRMAN FUSARO: Yes.

12 MR. SAMMET: Mr. Masciale.

13 MR. MASCIALE: Yes.

14 MR. SAMMET: Ms. Molnar.

15 MS. MOLNAR: Yes.

16 MR. SAMMET: Mr. Cohen is absent.

17 Ms. Hroblak.

18 MS. HROBLAK: Yes.

19 MR. SAMMET: Mr. Sontz.

20 MR. SONTZ: Yes.

21 MR. SAMMET: And Mr. Gelinas.

22 MR. GELINAS: Yes.

23 MR. SAMMET: Your third resolution
24 this evening is that for Francis Scott Ferraro and
25 Angela Wilkos at 712 Oak Avenue. Do I have a

1 motion to approve this resolution?

2 MR. MASCIALE: So moved.

3 MR. SAMMET: By Mr. Masciale. Do I
4 have a second?

5 (Crosstalk.)

6 MR. REISEN: Second.

7 MS. HROBLAK: Second.

8 MR. SAMMET: I'm sorry. I didn't
9 catch. Who was the second?

10 CHAIRMAN FUSARO: Mr. Reisen.

11 (Crosstalk.)

12 MR. SAMMET: Mr. Reisen, second.

13 No, Mr. Reisen isn't here. Oh, yes, he is.

14 Excuse me.

15 MR. REISEN: Yeah, I am. I seconded
16 it if I'm eligible.

17 MR. SAMMET: I'm sorry, Mr. Reisen,
18 I don't see you on the list of --

19 MS. RAZIN: Because he was an
20 alternate, I think, right, that night.

21 MR. REISEN: Yeah, I was.

22 MR. GELINAS: I'll second.

23 MR. MASCIALE: He can second,
24 technically.

25 MR. SAMMET: Can he second?

1 MS. RAZIN: Not -- I don't think if
2 he's eligible to vote on it. I don't think he
3 can.

4 MR. SAMMET: So second by
5 Mr. Gelinas, then. Chair Fusaro.

6 CHAIRMAN FUSARO: Yes.

7 MR. SAMMET: Mr. Masciale.

8 MR. MASCIALE: Yes.

9 MR. SAMMET: Ms. Molnar.

10 MS. MOLNAR: Yes.

11 MR. SAMMET: Mr. Cohen is absent.
12 Ms. Hroblak.

13 MS. HROBLAK: Yes.

14 MR. SAMMET: Mr. Sontz.

15 MR. SONTZ: Yes.

16 MR. SAMMET: Mr. Gelinas.

17 MR. GELINAS: Yes.

18 MR. SAMMET: The next resolution is
19 that of Kenneth Band, 301 Vernon Place. Is there
20 a motion to approve this resolution?

21 MR. MASCIALE: So moved.

22 MR. SAMMET: So moved by
23 Mr. Masciale. Is there a second?

24 MR. GELINAS: Second.

25 MR. SAMMET: Second by Mr. Gelinas.

1 Roll call. Chairman Fusaro.

2 CHAIRMAN FUSARO: Yes.

3 MR. SAMMET: Mr. Masciale.

4 MR. MASCIALE: Yes.

5 MR. SAMMET: Mr. Cohen is absent.

6 Mr. Sontz.

7 MR. SONTZ: Yes.

8 MR. SAMMET: Mr. Gelinas.

9 MR. GELINAS: Yes.

10 MS. MOLNAR: You skipped Molnar.

11 Wait a minute, you skipped Molnar.

12 MR. SAMMET: Ms. Molnar, I didn't

13 see your name of eligible members on this

14 resolution.

15 MS. RAZIN: That might have been my

16 error.

17 CHAIRMAN FUSARO: Molnar and Hroblak

18 were opposed.

19 MS. RAZIN: Oh, right. That's why.

20 MR. SAMMET: The next resolution is

21 that of Thomas and Stacy Shepherd at 440 Topping

22 Hill Road. Is there a motion to approve this

23 resolution?

24 MR. MASCIALE: So moved.

25 MS. MOLNAR: Second.

1 MR. SAMMET: Mr. Masciale, second by
2 Ms. Molnar.

3 CHAIRMAN FUSARO: Yes.

4 MR. SAMMET: Mr. Masciale.

5 MR. MASCIALE: Yes.

6 MR. SAMMET: Ms. Molnar.

7 MS. MOLNAR: Yes.

8 MR. SAMMET: Mr. Cohen is absent
9 this evening. Ms. Hroblak.

10 MS. HROBLAK: Yes.

11 MR. SAMMET: Ms. Pavon.

12 MS. PAVON: Yes.

13 MR. SAMMET: Mr. Sontz.

14 MR. SONTZ: Yes.

15 MR. SAMMET: And Mr. Gelinas.

16 MR. GELINAS: Yes.

17 MR. SAMMET: Your last resolution is
18 that of Ralph Capasso at 620 Lenox Avenue. Is
19 there a motion to approve this resolution?

20 MR. MASCIALE: So moved.

21 MS. MOLNAR: Second.

22 MR. SAMMET: I heard Mr. Masciale
23 made a motion, and the second was?

24 CHAIRMAN FUSARO: Molnar.

25 Ms. Molnar.

1 MR. SAMMET: Ms. Molnar.
2 Chair Fusaro.
3 CHAIRMAN FUSARO: Yes.
4 MR. SAMMET: Mr. Masciale.
5 MR. MASCIALE: Yes.
6 MR. SAMMET: Ms. Molnar.
7 MS. MOLNAR: Yes.
8 MR. SAMMET: Mr. Cohen, again, is
9 absent. Ms. Hroblak.
10 MS. HROBLAK: Yes.
11 MR. SAMMET: Ms. Pavon.
12 MS. PAVON: Yes.
13 MR. SAMMET: Mr. Sontz.
14 MR. SONTZ: Yes.
15 MR. SAMMET: Mr. Gelinias.
16 MR. GELINAS: Yes.
17 MR. SAMMET: Thank you.
18 CHAIRMAN FUSARO: Thank you,
19 Mr. Sammet. The next order of business is the
20 withdrawal of any applications. There is one
21 application this evening that is being withdrawn.
22 That is Application #21-38, PNC Bank. The address
23 is 1 Lincoln Plaza, Westfield, New Jersey. That
24 application --
25 MS. MOLNAR: Was any reason given?

1 CHAIRMAN FUSARO: I'm sorry?

2 MS. MOLNAR: Any reason given?

3 CHAIRMAN FUSARO: No. No reason was
4 given. They withdrew the application. Should
5 they want to reapply, they'll start the process
6 anew and get back in line.

7 Are there any applications that were
8 carried? There are no applications that were
9 carried this evening. There is one request for a
10 time extension, and that is from Ms. Lori Spector,
11 132 Marlboro Street. Is Ms. Specter on,
12 Mr. Sammet?

13 MR. SAMMET: She is Mr. Chairman. I
14 can allow her to speak.

15 CHAIRMAN FUSARO: Please.

16 MR. SAMMET: Ms. Spector, if you
17 unmute your microphone, we should be able to hear
18 you.

19 MS. SPECTOR: Can you hear me?

20 MR. SAMMET: We can, yes. Thank
21 you.

22 CHAIRMAN FUSARO: We can hear you.
23 Welcome. Please raise your right hand and I'll
24 swear you in.

25 LORI SPECTOR, having been duly

1 sworn, was examined and testified as follows:

2 CHAIRMAN FUSARO: Tell us about your
3 extension.

4 MS. SPECTOR: I have an extension
5 request for a variance to build a garage attached
6 to my house. I'm still saving money for that and
7 materials have only gone up in cost. So,
8 unfortunately, it's yet another year. But I'd
9 like to request an extension.

10 CHAIRMAN FUSARO: Do you think that
11 a one-year extension should be sufficient? I
12 assume that your plans are to get started within a
13 year sometime during the month of March 2023. Is
14 that sufficient?

15 MS. SPECTOR: That's the intention.

16 CHAIRMAN FUSARO: Thank you so much.
17 Any Board Members have any questions for
18 Ms. Spector?

19 MR. MASCIALE: I do. We have given
20 extensions on this in the past, and I fully
21 understand the difficulties, especially with the
22 recent years on here. But could you just restate
23 that the conditions haven't changed? I think on
24 the original there was plenty of room for a
25 garage. I just want to make sure that there's

1 been no changes to the property. That it remains
2 in the condition that the Board previously
3 approved it.

4 MS. SPECTOR: Yes, that's correct.
5 It's in the same condition as when I originally
6 applied.

7 CHAIRMAN FUSARO: 2019. We granted
8 one extension. The approval was initially granted
9 in March of 2019. A one-year extension was
10 granted in March of 2020, and now one additional
11 year is being requested until March of 2023.

12 MS. SPECTOR: Yes. We've gone ahead
13 and priced out with various contractors. So we've
14 just been in the process of saving at this point.

15 CHAIRMAN FUSARO: No problem.
16 Understood. We thank you for appearing. Any
17 Board Members have any other questions or
18 comments? Seeing none, can I have a motion on the
19 floor?

20 MR. MASCIALE: I'll make a motion to
21 grant the extension for another year.

22 CHAIRMAN FUSARO: Motion made by
23 Mr. Masciale. Do I have a second?

24 MR. GELINAS: Second.

25 MS. PAVON: Second.

1 CHAIRMAN FUSARO: Second by
2 Mr. Gelinas. He beat you to the punch, Ms. Pavon.

3 MS. PAVON: Nice CJ. Nice.

4 MR. GELINAS: Sorry about that Eldy,
5 you get the next one.

6 CHAIRMAN FUSARO: You've got to be
7 quick with the unmute button. Mr. Sammet, please
8 call the roll.

9 MR. SAMMET: Chair Fusaro.

10 CHAIRMAN FUSARO: Yes.

11 MR. SAMMET: Ms. Hroblak.

12 MS. HROBLAK: Yes.

13 MR. SAMMET: Mr. Masciale.

14 MR. MASCIALE: Yes.

15 MR. SAMMET: Ms. Molnar.

16 MS. MOLNAR: Yes.

17 MR. SAMMET: Ms. Pavon.

18 MS. PAVON: Yes.

19 MR. SAMMET: Mr. Sontz.

20 MR. SONTZ: Yes.

21 MR. SAMMET: Mr. Gelinas.

22 MR. GELINAS: Yes.

23 MR. SAMMET: Mr. Reisen.

24 MR. REISEN: Yes.

25 CHAIRMAN FUSARO: Thank you so much,

1 Don. As I mentioned earlier, before we get into
2 the applications, I want to just briefly discuss
3 the annual report which we're in the process of
4 compiling. The annual report by the Board is
5 prepared every year and sent over to the town
6 council for their review. They'll see our
7 conclusions, our recommendations, etcetera. I've
8 received several comments from several Board
9 Members. I had asked everyone individually to
10 please review it and get back to me with any
11 comments, revisions, conclusions, recommendations,
12 etcetera. Basically, I'm going to summarize what
13 I believe everyone is trying to say. And then
14 what I would do is -- or what I would request --
15 is that I will forward these to Don, and he will
16 incorporate them into a revision and send it out
17 to the Board. We will be able to review it during
18 the upcoming month and, hopefully, if all goes as
19 planned, approve the report at our April meeting.
20 Just so that to remind everyone, this will be the
21 last Zoom meeting that we have, hopefully,
22 forever, but certainly for a while. The next
23 meeting, our April meeting, will be in-person at
24 Town Hall.

25 Getting into a couple of the

1 comments that I've received, and again, they
2 basically are all along the same lines. One of
3 them that everyone has commented on is on Page 6
4 of the report, it basically states how many
5 applications we've heard, how many were approved,
6 how many were denied, and the type of application
7 whether they were C or D Variances. There was a
8 comment to if we could possibly include another
9 column in that chart which basically would show
10 how many applications were approved with
11 conditions and/or how many applications were
12 approved after the Board had requested some
13 changes -- or I should say recommended some
14 changes -- where the applicants actually went
15 back, took the Board's comments to heart, made the
16 suggestions that we had commented on, and then
17 came back and did receive an approval. Everyone
18 seems to be in agreement that we should have some
19 sort of reference to that in the report.

20 The other item that -- and we've
21 been dealing with this for a number of years, and
22 we usually put this in our conclusions and
23 recommendations section. I don't really know how
24 far we can go or can't go with it, but it appears
25 that most of the applications that we hear

1 throughout the year have to do with the RS-6 Zone,
2 which is the smallest zone that we have in the
3 ordinance. Being that the last arsenal or being
4 that the homes that are being built nowadays are
5 larger, we are constantly getting variance
6 requests from residential properties that are in
7 the RS-6 Zone. So we had mentioned to the council
8 the past several years that I'm aware of, if not
9 longer, that perhaps that RS-6 zoning should be
10 reviewed and some modifications made to it with
11 respect to perhaps some of the coverages and/or
12 setbacks. So that would reduce the number of
13 applications that we see with respect to the RS-6
14 Zone.

15 The other item, which again, was
16 mentioned in quite a few of the comments that were
17 returned to me had to do with stormwater. As
18 everyone knows, stormwater is a large issue not
19 only in town but, basically, across the United
20 States as climate change is taking effect. We
21 have requested or mentioned to the Engineering
22 Department and to the Town Council that some
23 serious consideration be given to some of these
24 applications with respect to stormwater runoff.
25 As you know, a lot of our applications that come

1 before us have to do with coverage. Increased
2 coverage, obviously, increases runoff. And if it
3 continues at the current rate or is exacerbated as
4 people request larger and larger homes with more
5 and more coverage, the stormwater situation is
6 only going to get worse. As you know, the Town
7 has put together the WIRC, which is the Westfield
8 Infrastructure Resilience Committee. They are
9 reviewing these stormwater recommendations and
10 suggestions in town. All the infrastructure, but
11 one of them obviously being stormwater. Perhaps,
12 and again, Don, I don't know -- feel free to jump
13 in on any of the comments -- I don't know if the
14 town has or if the engineering department can
15 compile a map of the town which shows some of the
16 flood-prone areas. If we were to have that
17 perhaps when applications are before us in those
18 areas, we can certainly look at them a little
19 closer to see if any mitigation to the stormwater
20 can be brought about, etcetera. That's was
21 something that I believe we would put in a
22 recommendation to the council and perhaps, that
23 can be incorporated.

24 In addition, one Board Member,
25 actually Allyson, had mentioned that perhaps we

1 can speak to the chair or some people that are on
2 the WIRC and ask that one of our Board Members be
3 liaison to that committee. I believe that would
4 be helpful just to kind of see what their thoughts
5 are. Obviously, we deal with infrastructure as it
6 pertains to all these applications, so perhaps we
7 can request that one of us be named the liaison on
8 that committee. I will discuss it with Don and
9 some of the council members. I don't know how
10 many members are on that committee. I do know who
11 the Chairwoman is and I can certainly reach out to
12 her as well.

13 I believe those are the bulk of the
14 comments other than the obvious that the wrong
15 date was on there, which Don has already changed
16 from 2020 to 2021. That's just a typographical
17 issue that we dealt with. Any other comments --

18 MS. MOLNAR: I had made a request.

19 CHAIRMAN FUSARO: I'm sorry, yes.
20 Carol made a comment with respect to parking in
21 the front yard.

22 MS. MOLNAR: Yes. About 10 years
23 ago, my neighbor adjusted his driveway so that it
24 encroached on his front yard. So he had to get a
25 variance to allow that parking in the front yard.

1 And then last year, the new house that was built
2 where the Gate house burnt down, they put pavers
3 in the front yard to let a car park there, and he
4 was told to remove the pavers because parking is
5 not allowed in the front yard. So I think we
6 should tighten up our language regarding
7 front-yard parking to add clarity. Because last
8 month, we allowed a little -- someone to create
9 parking in the front yard. So to me, it's not
10 clear. The statute must not be clear.

11 CHAIRMAN FUSARO: We'll certainly
12 reread that portion of the zoning ordinance, and I
13 can discuss it with Don as far as clarity goes. I
14 know that I believe the last application that
15 you're referring to that allowed parking in the
16 front yard basically one of the reasons was the
17 garage was forward and that the parking space
18 would be in front of that garage which basically
19 put it in the front yard. I believe we had --

20 MS. MOLNAR: It's literally in front
21 of the house. The parking spot was an extra spot
22 in front of the house. So I think the application
23 seems to be an inconsistent system. The Gate
24 house had to remove these pavers because they
25 couldn't have a parking spot, yet we allowed these

1 folks. So maybe we have to add clarity somehow.

2 MR. SAMMET: I agree. The ordinance
3 language needs to be tightened up. I don't think
4 -- well, I'll speak for myself -- I'm not a fan of
5 parking spaces placed in front of the home just
6 like you're stating happened, Ms. Molnar, 10 years
7 ago when the person needed to get a variance.
8 I've already looked at some other language to try
9 and fix that; if you will.

10 MS. MOLNAR: Thank you so much.
11 Wonderful. Thank you.

12 CHAIRMAN FUSARO: So I think those
13 were all the comments. I kind of summarized them.
14 If I missed any others, please, Board Members,
15 feel free to express them at this time. And if
16 not, Don and I will review them. I'll have Don
17 incorporate them into the report and, hopefully,
18 send it out to the rest of the Board for their
19 review. And if we can get it voted on next
20 meeting, great. If we have to push it to May,
21 it's not a problem. Anybody else comments about
22 the January report? I see none. Let's move on.

23 The first application for this
24 evening is Stan -- it's a continuation of an
25 application that we heard months ago from Stan and

1 Jessica Kopec, 119 South Scotch Plains Avenue.
2 Applicant is seeking approval to construct a
3 bedroom over the existing one-story family room
4 off the rear and finishing the balance of the
5 attic with compliant dormers as well as attaching
6 the garage to the existing dwelling and the
7 mudroom connector contrary to the following
8 sections of the Westfield Land Use Ordinance:
9 Section 12.04F where the building coverage
10 permitted is 20% or 1,373.33-square feet
11 3,600-square feet max, and proposed is 23.02% or
12 1,575.03-square feet, and; Section 11.09E-6 where
13 minimum side yard setback right side permitted is
14 10-feet and proposed is 2.44-feet.

15 MS. RAZIN: Frank, can I just
16 interrupt for one second? I believe -- and I
17 apologize for interrupting -- I believe that
18 Mr. Sammet was only sworn in for the last hearing,
19 and I just want to make sure -- I'm going to swear
20 him in for tonight and ongoing before we continue.

21 CHAIRMAN FUSARO: Yes, please.

22 DON SAMMET, having been duly sworn,
23 was sworn into office as ZONING OFFICIAL/PLANNER
24 for 2022:

25 MS. RAZIN: Thank you. I apologize.

1 I just want to make sure we're set with that.

2 CHAIRMAN FUSARO: Thank you,
3 Ms. Razin. Yes, we did discuss that, and I
4 apologize I missed it.

5 Mr. and Mrs. Kopec, are they -- I
6 see Mr. Kopec right there. That's great. I see
7 Mr. Ralph. I'm assuming that since both of you
8 testified before I'd like to remind you that
9 you're both still under oath. I thank you for
10 submitting the revised plans. Please tell us
11 about your application.

12 MR. RALPH: Good evening and thank
13 you for having us back. I will be rather brief
14 tonight. I think our changes are pretty
15 self-evident, but I do want to put on the record
16 what we've revised and how we took the commentary
17 into account. I'd like to share my screen. It
18 will be the same as was submitted, so no need for
19 exhibits. You should have a seven-page
20 architectural with the revision date 2/24/22.

21 Do you agree with that?

22 CHAIRMAN FUSARO: Yes.

23 MR. RALPH: And you should have a
24 single-page survey with spot elevations added to
25 it.

1 CHAIRMAN FUSARO: Correct. From
2 Harbor Consultants.

3 MR. RALPH: Excellent. So I'll be
4 speaking to those and, again, I'll just run
5 through with what was revised and why, and happy
6 to answer questions. Last hearing, we had a
7 little bit of feedback at the end with the rear
8 yard neighbor with some concerns about drainage
9 and water. And at the request of the Board, we
10 engaged Harbor Consultants to provide what I have
11 up on my screen now which was a spot elevation
12 survey added to the property survey that we had.
13 And what you'll find here is that the house itself
14 is a bit of a high point on the lot with 132,
15 131 1/2, 131.4.

16 So the house, itself, sits at a
17 plateau as well, but it's back, and it drains in
18 all directions away from the house. We do have
19 what I was hoping which is we have pitch towards
20 the street as we drop down to 131 at the sidewalk
21 and the street, that's Scotch Plains Ave. That
22 was good. And we see what was testified to by the
23 rear neighbor that we taper down from 131 to 130,
24 129, and by the time we arrive at the neighbor's
25 property, we're 128. I will also note that they

1 took this shot on each of the neighbors as well.
2 And you'll actually see that all of the neighbors
3 are higher than the rear yard neighbor. So the
4 data does show that there is a low spot there, and
5 we'll also testify that we are not the sole
6 contributor. And, hopefully, you see that our
7 revisions actually improve the condition. That's
8 an explanation of this data that you have.

9 In terms of the architectural
10 revisions, they're relatively minor. And I'll go
11 to the floor plan page itself on A-4. And we made
12 some notes and revisions here. So what did we
13 change? Well, I did hear a comment about seeing
14 if we could reduce the coverage. We took that
15 seriously. And while it was not a very large
16 reduction, we did reduce the mudroom enough by
17 30-square feet that our coverage variance request
18 is now 22.54%. So we were previously asking
19 23.02, we are now asking 22.54%. I figured as we
20 were in the revision cycle, we might as well
21 tighten up at your request.

22 And then the major change with the
23 garage you'll see we added an elevation note. My
24 proposal which I was not able to connect with the
25 township engineer, but I would be happy to subject

1 our final plans to his approval as a condition,
2 but our strategy here was to actually raise the
3 slab height of our proposed garage since it is new
4 to, approximately, 132.5-feet. Such that, when we
5 install a new driveway on the property from the
6 garage to the curb, we can achieve pitch to Scotch
7 Plains. And that was what we had represented we
8 hoped to do. And I feel that the spot elevations
9 we received show that we can do it. So again,
10 basic change here, elevating the attached garage
11 structure by a little over a foot from what we had
12 originally planned to be the elevation. That
13 provided less steps required to the dwelling. So
14 we could tighten up and optimize the mudroom
15 addition plan. And you'll see the configuration
16 of the stairs changed from the prior version. And
17 again, we pulled in that square footage to respect
18 the request for reduction.

19 And the only other thing I'll state
20 here is that we had stated last time, but I'll say
21 it again for the sake of the Board, if you were to
22 approve this, we would take all of the roof area
23 above the master and the roof area above the
24 mudroom and the garage, and we would work such
25 that the gutters would flow towards the front of

1 the garage addition and would discharge to the
2 driveway. And then, in redoing the driveway and
3 the grading around it, we have the opportunity to
4 take all of that stormwater to Scotch Plains Ave.
5 And I would maintain that's a relatively vast
6 improvement on the existing drainage pattern that
7 is there today. And that is my very brief summary
8 and I'm happy to answer any questions.

9 CHAIRMAN FUSARO: Thank you,
10 Mr. Ralph. In reviewing the revised plans that
11 you submitted, I see that -- and just for the
12 record, the way I interpret the current elevations
13 -- as it stands right now, the current driveway,
14 the entire current driveway, drains toward the
15 back of the property. The front-most elevation is
16 131.6, and the rear of the driveway right before
17 the garage is 129.7. There's an approximate
18 2-foot drop. So that entire driveway currently is
19 draining towards the rear of the property, and
20 certainly, in my opinion, contributing to some
21 water runoff in the rear yard, accumulation in the
22 rear yard. As you stated in your revised plan,
23 since that existing garage is being removed, that
24 will certainly create some additional lawn area
25 that will absorb some additional stormwater

1 runoff. The new garage is being constructed where
2 the current driveway is, and as you mentioned,
3 your proposed grades that are shown on the revised
4 plans that we received would have the driveway or
5 will have the driveway draining towards Scotch
6 Plains Avenue.

7 I believe that removing the garage
8 creating some additional impervious coverage, and
9 simultaneously regrading the driveway so that it
10 drains towards Scotch Plains Avenue, and
11 connecting the downspouts to also drain towards
12 Scotch Plains Avenue will certainly help the
13 condition along the rear of the property. I see
14 that the drain we had originally asked, looking at
15 my notes, we had asked for an elevation of that
16 lawn drain which is there. I see that that's
17 128.4. While it is slightly higher by a couple of
18 inches, I think 4-inches from the neighbor's
19 property in the back, it is certainly lower than
20 everything else around it including both neighbors
21 to the right, to the left, as well as some of the
22 additional neighbors along the back.

23 So I thank you for making those
24 revisions. And I thank you for also shrinking
25 that mudroom down albeit half of 1-percent, every

1 little bit counts. So thank you for that. Does
2 anyone on the Board have any questions for
3 Mr. Ralph?

4 MS. MOLNAR: Yeah, I have one
5 question. About the chimney. A lot of the new
6 homes today don't seem to have chimneys, but this
7 seems to have a big, square chimney box on the
8 left side of the house. Is there any reason for
9 that?

10 MR. RALPH: You know, that preceded
11 me. So I can't answer that with any specificity
12 for you.

13 CHAIRMAN FUSARO: I believe that's
14 existing.

15 MS. MOLNAR: Pre-existing. So with
16 the renovations, you won't convert it?

17 MR. RALPH: No plans to alter that,
18 nope.

19 CHAIRMAN FUSARO: That chimney, I
20 would venture to guess if it was existing with the
21 house would probably contain flues in it for the
22 existing heating system. So it certainly can't be
23 eliminated due to that. Okay. That's great.

24 MS. MOLNAR: One other question.
25 Did you look at any way to reduce the coverage

1 even more other than the mudroom?

2 MR. RALPH: Yeah, we certainly did.

3 And our feeling was that, you know, the garage is
4 at its minimum size, the master achieves what it
5 needs to achieve, and the mudroom, as I said, we
6 kind of optimized down to its fine size. I felt
7 that anything else would be counterproductive to
8 the project as a whole.

9 CHAIRMAN FUSARO: Thank you,
10 Mr. Ralph. Any other Board Members have any
11 questions for Mr. Ralph?

12 MS. HROBLAK: I have a couple. Was
13 there any consideration given to discharging part
14 of the runoff onto the front lawn?

15 MR. RALPH: Just so that I'm
16 answering you clearly. Are you talking about when
17 we do like the dormers and the attic work? What
18 specifically are you thinking of?

19 MS. HROBLAK: I'm thinking about any
20 additional runoff that's created. Was there any
21 consideration as opposed to dumping it all out on
22 Scotch Plains? By raising the garage floor, could
23 you send some down --

24 MR. RALPH: I understand. I
25 understand.

1 MS. HROBLAK: -- the existing
2 leaders to the front?

3 MR. RALPH: I would think that our
4 objective, and probably part of the engineering
5 review, would be that the driveway cross-pitches
6 and that cross-pitch could be certainly towards
7 our property, the subject property, and not our
8 neighbor. So I think that that could be readily
9 achieved even with what we've put before you, that
10 this section of the driveway would be the lower
11 section so that it's flowing towards Scotch Plains
12 and across the yard. I think that's a great
13 suggestion.

14 MS. HROBLAK: Are there any roof
15 leaders on the other side of the house that could
16 discharge some?

17 MR. RALPH: That, yeah. The intent
18 with this side of the house, they do currently
19 just splash to the yard. That's correct.

20 MS. HROBLAK: So if there's a
21 possible way to redirect some of the addition, you
22 know?

23 MR. RALPH: Definitely. Yeah. We
24 want to try to avoid regrading the whole property,
25 but I think anything that's being touched by the

1 excavation in the driveway is fair game to
2 mitigate on-site.

3 MS. HROBLAK: My other question is:
4 Will you be containing the driveway within a solid
5 curb in order to prevent it from going laterally?
6 Whereas you're going to have a garage floor at
7 132, but the grade next to it is, you know, 129
8 right now. I'm not sure how much you can actually
9 raise that right next to it. Some of it is going
10 to try to flow laterally in the back.

11 MR. RALPH: That's fair. The garage
12 is happening at this corner that's 130.09, it's
13 almost 131, and this is 131.1 here. So when we
14 redo the driveway, I think that we'll be pretty
15 good. I don't think it's a massive change to
16 grade, but I also don't believe that the applicant
17 would object to that side getting some curbing,
18 albeit subtle, just so that the drainage pattern
19 is as we discussed.

20 MS. HROBLAK: Right. Okay. Even if
21 it's like a smooth, asphalt transition up.

22 MR. RALPH: Exactly. Right.
23 Exactly. A little turn-up. I have no objection
24 at all to that.

25 MS. HROBLAK: Thank you.

1 CHAIRMAN FUSARO: Any other Board
2 Members? Seeing none, does anyone from the public
3 have any questions for Mr. Ralph? If so, please
4 virtually raise your hand, and Mr. Sammet will
5 allow you into the meeting.

6 MR. SAMMET: Mr. Fahy. Mr. Fahy, if
7 you unmute your mic, we should be able to hear you
8 now.

9 MR. FAHY: Good evening, ladies and
10 gentlemen.

11 CHAIRMAN FUSARO: Good evening,
12 Mr. Fahy. I believe we swore you in at the last
13 meeting. I just want to remind you that you're
14 still under oath. Please proceed.

15 MR. FAHY: Yes, sir. Just a quick
16 question. I think -- and I can't remember -- but
17 I think there're four drains that are on the
18 Kopec's property that run into our system and then
19 discharge onto Hazel. My question was: What do
20 they intend to do with those four drains? I'm
21 assuming two of them will be disconnected when
22 they move the garage because two of them are on
23 the garage -- on that side of the driveway. My
24 question is what do they plan to do with those
25 once they disconnect them?

1 CHAIRMAN FUSARO: Mr. Ralph, I see
2 that the plan -- survey that was given to us by
3 Harbor Consultants shows the one-yard drain in the
4 upper left-hand corner. I'm assuming that
5 Mr. Fahy is referring to the trench drain which is
6 currently located in the front of the garage as
7 the other drains. That one is being eliminated
8 because the going is to going be there. However,
9 I believe your proposed -- looking at the proposed
10 plan -- is there, I guess there's no need for a
11 trench drain in front of the new garage because
12 the driveway is going to be pitched away from the
13 garage.

14 MR. RALPH: That's correct. We did
15 not need to incorporate one there. And there're
16 two other incidental drains that are near the
17 garage that we haven't specifically -- I don't
18 know that Mr. and Mrs. Kopec had talked about
19 abandoning them, specifically. I believe that we
20 were intending to maintain the grading and the
21 existing drainage systems as they were at the rear
22 of the property, and just return this to greenery.
23 And as you stated, no need to replace the trench
24 drain. So again, I don't believe there's any
25 removal or abandoning of any drainage systems

1 except for the trench drain which is mitigated by
2 the new drainage pattern.

3 MR. FAHY: I would say I don't think
4 the survey is entirely accurate. There's one
5 drain by the tree at the rear of the property.
6 There's also another drain there that does not
7 show on this survey. But to the best of my
8 recollection, there are two other ones. One is on
9 the down leader on the garage on the corner that's
10 marked as 129.4. And I believe there's another
11 one at the corner that's marked 129.7. It's close
12 to Lot 801, I guess. And when you move the
13 garage, you're going to have to excavate. So my
14 question is: What do you plan to do -- once you
15 disconnect those two in particular, what do you
16 plan to do with them? It runs into our system,
17 that's why. So I'm trying to figure out once they
18 get disconnected, what happens to them?

19 MS. HROBLAK: Mr. Ralph, do you have
20 any idea how that area will be graded after the
21 garage is removed? That will affect how much
22 water will go into those drains.

23 MR. RALPH: Yeah, correct. I think
24 there's a pretty natural pattern from 131 to 130.
25 It's relatively clean contours back and down as it

1 goes; if we were to do contours. And again, you
2 can see that the garage is set basically within
3 inches of the natural pattern. We had not
4 intended to regrade. They would just remove,
5 demo, and refill with clean fill and topsoil and
6 seed; so to speak. So again, I think -- and
7 Mr. Kopec can speak up -- but I think they're
8 neither here nor there on the drainage system.
9 They're happy to have that drainage system persist
10 in place with no modification. And as I've
11 demonstrated tonight, this will clearly improve
12 the drainage situation for the rear neighbor,
13 Mr. Fahy.

14 CHAIRMAN FUSARO: Mr. Fahy, I
15 believe what Mr. Ralph is saying is that once that
16 garage is removed, the grades will be returned to
17 basically what you see on the current grading
18 sheet. So the 129.4 will remain at 129.4. The
19 129.7 will remain at 129.7. However, once the
20 garage is gone, it will be backfilled with topsoil
21 and seeded to those grades. If there are existing
22 drains at those two locations, they would remain
23 at the current elevation and at the current
24 location. Is that Correct, Mr. Ralph.

25 MR. RALPH: That is correct.

1 CHAIRMAN FUSARO: Does that answer
2 your question, Mr. Fahy?

3 MR. FAHY: So they're not going to
4 be capped and abandoned?

5 CHAIRMAN FUSARO: Mr. Ralph?

6 MR. FAHY: The one at the far
7 corner, the 129.4, it's a down leader right now.
8 So if you're not going to cap it or abandon it,
9 are you just going to put a drain in the yard? I
10 guess is the question. And then what's being
11 drained in there in particular?

12 (Crosstalk.)

13 MR. FAHY: Because our system --
14 sorry. Go ahead.

15 MR. RALPH: No. No. It might help
16 if you maybe stated -- and in some ways, maybe
17 this is neighbor-to-neighbor -- but I'm not -- I
18 understand your question, but if there is a motive
19 or a specific ask it might be helpful to just
20 present that to Mr. Kopec so that he can --
21 because if your suggestion is remove it, that
22 you'd be happier if we remove it and cap it and
23 just keep the rear drain, then he can say yes or
24 no to that.

25 MR. FAHY: Well, listen, I'm just

1 asking the question because I mean that
2 opportunity is always available, but, I mean, this
3 is medium, I guess. My question is: What are you
4 doing with the drains? That's all. If you're
5 going to cap them and abandon them, that's all I'm
6 asking. But something has to be changed because
7 you're moving the whole location of the garage.
8 They can't stay necessarily as they are because
9 they're going to be excavated. So if they're
10 going to be buried and capped, that's fine. I'm
11 just trying to figure out if that's the deal or if
12 you're planning on doing something else to it.

13 MR. RALPH: That's fair. And to do
14 best by all parties here, my suggestion would be
15 that the final determination on what we do with
16 those two drains specifically could be subject to
17 our final engineer plan and the town engineer's
18 review, and if it is deemed those should be
19 removed for the best of the property and the
20 existing drainage system; that is what we'll do.
21 If it's deemed that those should become lawn
22 drains into the system; that's what we'll do. I'm
23 hesitating just because I don't want to make the
24 wrong call with the data that I have at my
25 fingertips tonight.

1 MS. HROBLAK: Mr. Fahy, when the
2 garage is removed, if those drains that you're
3 speaking of that we don't actually see on our
4 plans are to survive the excavation process, they
5 would just be converted into lawn drains which
6 would then be channeling far less water than prior
7 because there's no structure there. So you'll be
8 getting nominal inflow. It would be probably less
9 than the one shown on the plan.

10 MR. FAHY: That's fine. As long as
11 I have -- like right now, nobody knows, I guess.
12 It's just nobody knows. That's the whole point of
13 my question.

14 MS. HROBLAK: Nobody knows what?

15 MR. FAHY: What they're going to do
16 with them.

17 CHAIRMAN FUSARO: Mr. Fahy, I did
18 would think that those two drains that you're
19 talking about right now are basically only there
20 to collect the water runoff from the garage which
21 will no longer be there. Once that garage is
22 eliminated, as Mr. Ralph has stated, those
23 existing drains can either be converted to a lawn
24 drain similar to the one that's currently in
25 existence in the rear left-hand corner or they can

1 be eliminated. As Mr. Hroblak mentioned, since
2 they are -- it appears they're only there to
3 collect water from the garage roof which will no
4 longer be there. Then it would be up to the town
5 engineer and the building department to determine
6 whether those drains should remain or not remain.
7 And if there's a preference one way or the other
8 between yourself and the Kopec's then I'm sure
9 that it could be worked out. Either way, as
10 Mr. Hroblak said, I don't believe they will be
11 collecting an enormous amount of water since their
12 current purpose of collecting water from the
13 garage will no longer be there.

14 MR. FAHY: Understood. Understood.
15 I guess this is what I would ask then and maybe
16 the details we can work out in the future. If
17 they're no longer needed, if they could be buried
18 and capped so nothing is introduced into the
19 system, any sort of debris, I think that would be
20 fine too.

21 CHAIRMAN FUSARO: Certainly. I
22 don't see a reason why that can't happen. And
23 certainly, it would probably make sense to do that
24 simply because what they're being used for now is
25 not what they'll be used for later. So cutting

1 and capping them properly I'm sure could be worked
2 out.

3 MR. FAHY: Great. I appreciate it.

4 CHAIRMAN FUSARO: No problem at all.
5 Thank you, Mr. Fahy. Do you have any other
6 questions?

7 MR. FAHY: No, sir.

8 CHAIRMAN FUSARO: Thank you so much.

9 MR. FAHY: Thank you.

10 CHAIRMAN FUSARO: Anyone else from
11 the audience have any questions for Mr. Ralph?
12 Seeing none. Any other Board Members? Seeing
13 none, I'll close that portion of the meeting and
14 open it up to Board discussion. You've heard from
15 Mr. Ralph with respect to the changes that we had
16 requested or the comments that we had made. I
17 believe both himself and the applicant have worked
18 towards meeting the requirements that we had
19 recommended. As I mentioned earlier, the
20 elimination of the garage will certainly increase
21 the impervious coverage on the property and the
22 regrading I believe of the driveway will also
23 significantly, hopefully, significantly help the
24 water accumulation in the backyard. I'm in favor
25 of supporting the application based on those

1 revisions. How does the rest of the Board feel?

2 MR. MASCIALE: I agree, Frank. I
3 think the applicant did a great job and in
4 consideration. I drove by and looked at the
5 grading. There's no guarantee on the water
6 runoff, but I think this is going to make a big
7 difference and moves it in the right direction.
8 Based on that, I support the additional coverage
9 and I'm in favor of the application.

10 CHAIRMAN FUSARO: Thank you, Chris.
11 I think it's certainly not going to make the
12 situation worse, in my opinion. Better, if
13 anything. Any other Board Members? Comments?

14 MS. HROBLAK: Yeah. I'm with Chris.
15 I think the changes accommodated our comments. I
16 also want to add that I went out and looked at the
17 site again, and you know, I'm not convinced that
18 that drain was ever going to do what it was meant
19 to do based on my approximate estimates of the
20 depths of the drains, and the outlet point on
21 Hazel. So it's very possible that some water just
22 sits in that drain. But that kind of goes to
23 maybe it was just an ill-conceived, undesigned
24 drainage system. But, yeah, it's not making it
25 any worse. We're going to try and discharge some

1 onto the grass and the rest out to Scotch Plains.

2 CHAIRMAN FUSARO: Thank you,
3 Allyson. Anyone else? Comments?

4 MS. MOLNAR: Yeah. I had a
5 question. On coverage, historically, the Board
6 tries to stay below 22%?

7 MR. MASCIALE: We have in the past,
8 but each application is different, Carol, and
9 you've got to take it on its own merits. But, you
10 know, sometimes the property is undersized and,
11 you know, it's just a general variance. But each
12 case has to be taken on its own merits.

13 MS. MOLNAR: Thank you.

14 CHAIRMAN FUSARO: Yes. And I
15 believe they're point-half of 1% over that 22%
16 kind of recommendation that we usually try to
17 stick by. Anyone else?

18 MS. HROBLAK: Did he reduce the
19 coverage? It was like 22.5? Was that the final
20 number?

21 CHAIRMAN FUSARO: Yeah, 22.54. From
22 23.02 to 22.54, yes. They eliminated some square
23 footage in that mudroom. And if you look at the
24 architectural plans of the mudroom, they have four
25 closets that are 1-foot wide. I mean I don't

1 think you can make a closet any smaller. I don't
2 think they even make a door that's 1-foot wide.
3 Anyone that's what's on the architectural plans.
4 I know Allyson had made a comment or a possible
5 condition with respect to having some sort of curb
6 along the right-side property line.

7 MR. MASCIALE: I think it's a great
8 idea, and Allyson should make a motion to include
9 it.

10 MS. HROBLAK: Thanks, Chris. I'd
11 like to make a motion.

12 MS. RAZIN: I'm going to also
13 include the discharge on the grass in addition to
14 going towards Scotch Plains to the extent
15 feasible.

16 MS. HROBLAK: I was going to mention
17 that.

18 MS. RAZIN: And the condition per
19 the neighboring property owner that the drains, if
20 they're no longer needed, are buried and capped
21 properly in the future.

22 MS. HROBLAK: I was going to leave
23 that to the town engineer to make that
24 determination on whether they are functional or
25 not.

1 MS. RAZIN: I'm saying if they're --
2 okay, yeah.

3 MS. HROBLAK: If the town deems it,
4 they be cut and capped to prevent clogging of the
5 adjacent drainage system.

6 MS. RAZIN: Okay. Perfect.

7 CHAIRMAN FUSARO: Do I have a
8 motion? Allyson?

9 MR. MASCIALE: Allyson is on mute.

10 CHAIRMAN FUSARO: Allyson? Maybe
11 not.

12 MS. HROBLAK: All right. Here I am.
13 Sorry, my little box disappeared from the Zoom
14 window. I'll make a motion to accept the
15 application with the following conditions that
16 there be a curb installed along the right-side
17 property line between the subject property and
18 Lot 8.01 to prevent discharge onto that lot. As
19 well as a sloping of the driveway in the front
20 yard area to allow sheet flow onto the front yard.
21 And also, to have the town engineer determine the
22 outcome of the drains behind the existing garage.

23 CHAIRMAN FUSARO: Do I have a
24 second?

25 MS. PAVON: Second.

1 CHAIRMAN FUSARO: Second by
2 Ms. Pavon. Mr. Sammet, roll call, please.
3 MR. SAMMET: Chair Fusaro.
4 CHAIRMAN FUSARO: Yes.
5 MR. SAMMET: Ms. Hroblak.
6 MS. HROBLAK: Yes.
7 MR. SAMMET: Mr. Masciale.
8 MR. MASCIALE: Yes.
9 MR. SAMMET: Ms. Molnar.
10 MS. MOLNAR: Yes.
11 MR. SAMMET: Ms. Pavon.
12 MS. PAVON: Yes.
13 MR. SAMMET: Mr. Sontz.
14 MR. SONTZ: Yes.
15 MR. SAMMET: Mr. Gelinas.
16 MR. GELINAS: Yes.
17 MR. SAMMET: And Mr. Reisen.
18 MR. REISEN: Yes.
19 MR. SAMMET: Approved with
20 conditions.
21 CHAIRMAN FUSARO: The application is
22 approved. Thank you, Mr. Ralph. Thank you,
23 Mr. Kopec. Enjoy the rest of your evening, and
24 good luck with your project.
25 MR. RALPH: Thank you for your

1 collaboration as always. Take care.

2 CHAIRMAN FUSARO: Our next
3 application is 245 Charles Street,
4 Christopher Jonson. The applicant is seeking to
5 replace existing 4-foot fence with a white vinyl
6 6-foot fence. The existing 4-foot high fence on
7 Charles Street side that wraps around to North
8 Avenue will remain as is. The side street fence
9 facing North Avenue will be replaced, as well as
10 the neighbor-facing rear side fence with a 6-foot
11 high fence; contrary to the following section of
12 the Westfield Land Use Ordinance: Section 12.07
13 where fence height permitted is 4-feet and
14 proposed is 6-feet.

15 Is Mr. Jonson in the audience?
16 Please raise your hand and Mr. Sammet will let you
17 in.

18 MR. SAMMET: He's there,
19 Mr. Chairman.

20 CHAIRMAN FUSARO: I see. Thank you
21 so much. Mr. Jonson, let me swear you in.

22 CHRISTOPHER JOHNSON, having been
23 duly sworn, was examined and testified as follows:

24 CHAIRMAN FUSARO: Do you have anyone
25 else here with you this evening or you're flying

1 solo?

2 MR. JONSON: Flying solo.

3 CHAIRMAN FUSARO: Okay. Great.

4 Thank you so much. Tell us about your
5 application.

6 MR. JONSON: This application is
7 basically for allowing my fence to be 6-foot high.
8 My property is located on the corner of Charles
9 Street and North Avenue. North Avenue is a busy
10 street. As the survey that is in the application
11 shows, a significant portion of my backyard is
12 used for leisure, and I have young children as
13 well. And so the combination of going to minimize
14 as much, you know, vehicle noise while we're
15 enjoying our backyard coupled with having as high
16 as possible a fence so that any play objects don't
17 go across -- which, hopefully, they don't. For
18 those two reasons, I think a variance can be
19 granted in this case. You know as these are
20 potential hardships, and it's my understanding
21 that variances can be granted based on that.

22 CHAIRMAN FUSARO: Thank you,
23 Mr. Jonson. I believe I'm familiar with the
24 property. The home was built recently; is that
25 correct?

1 MR. JONSON: Yeah. I don't know the
2 exact date the construction was completed, but we
3 purchased the home in December of 2014 as a new
4 construction.

5 CHAIRMAN FUSARO: And the existing
6 fence along the neighbor's property, was that
7 fence, is that new or was it there when the home
8 was constructed in 2014 or was it there from the
9 prior -- there used to be a prior residence on
10 this piece of property that was demolished?

11 MR. JONSON: Yeah. The existing
12 fence that's along the neighbor's side was there
13 when I purchased the home and it's unchanged since
14 then.

15 CHAIRMAN FUSARO: I believe from the
16 photographs that were included in our packet,
17 there are a bunch of arborvitaes. There's
18 additional screening by that fence certainly
19 running across the North Avenue side; is that
20 correct?

21 MR. JONSON: Correct. And a portion
22 as well between my house and the neighbor's house,
23 but not all the way.

24 CHAIRMAN FUSARO: Yes, I see that in
25 the photographs as well. And you would not be

1 opposed to a condition stating that those
2 arborvitaes are to be maintained and if any of
3 them died that you would be willing to replace
4 them.

5 MR. JONSON: No, I'm not opposed,
6 but I'd like a little clarity on the question.
7 Which ones are you referring to? Because I have a
8 set of arborvitaes that run along North Avenue,
9 they actually wrap around to Charles Street. But
10 there's also five or six, I don't know the exact
11 number, between my home and the neighbor's home.
12 So I don't know if you're referring specifically
13 to the arborvitaes between my home and the
14 neighbors or the ones that are running along North
15 Avenue.

16 CHAIRMAN FUSARO: I was referring to
17 the ones running along North Avenue. However,
18 looking at the photographs, it would appear -- and
19 please correct me if I'm wrong -- that the ones
20 running along the side property between yours and
21 the neighbors, it would appear to me based on the
22 photo of the 4-foot fence and arborvitaes that
23 they are on his property and not yours.

24 MR. JONSON: They're actually on my
25 property.

1 CHAIRMAN FUSARO: Those are your
2 trees, not his?

3 MR. JONSON: Those are my trees,
4 exactly. They run right up along my property
5 line.

6 CHAIRMAN FUSARO: So all the
7 arborvitaes both the ones along North Avenue and
8 the one along the adjoining property are yours?

9 MR. JONSON: Correct.

10 CHAIRMAN FUSARO: In that case,
11 we'll discuss it with several other Board Members,
12 we may ask you to maintain all of them. Is there
13 a pool or anything on the property next to it?

14 MR. JONSON: I wish. I don't know
15 if that would be permitted. No, is the answer.

16 CHAIRMAN FUSARO: Looking at the
17 survey --

18 MS. HROBLAK: Frank?

19 CHAIRMAN FUSARO: Yes.

20 MS. HROBLAK: Were you asking if he
21 had a pool or if the neighbor had a pool?

22 CHAIRMAN FUSARO: I asked if the
23 neighbor had a pool.

24 MR. JONSON: No, the neighbor does
25 not have a pool.

1 CHAIRMAN FUSARO: Sorry. Thanks,
2 Allyson, for picking that up. Looking at the
3 survey that we have from EKA, it would appear that
4 that side of your property abuts -- there's a, I
5 guess, the neighbor's garage, a shed, and then the
6 driveway. Correct? There is no home located
7 within 10- or 15-feet of that property line; is
8 that correct?

9 MR. JONSON: Correct. I mean I
10 can't tell you for sure about the 15-feet part of
11 what you said, but there is no abutting home on my
12 property line with my neighbor's property line.

13 CHAIRMAN FUSARO: Thank you. Does
14 any Board Members have any questions for
15 Mr. Jonson?

16 MR. MASCIALE: Yes, I do, Frank.
17 Mr. Jonson, the arborvitaes look like they're
18 pretty full along the North Avenue. Could you
19 just state what you're looking to achieve that the
20 arborvitaes are not providing you today?

21 MR. JONSON: Sure. It's difficult
22 to tell from the photo; if you have access to
23 that.

24 MR. MASCIALE: Yes.

25 MR. JONSON: You can tell that there

1 are River Birch trees as well between the
2 arborvitaes. That's how the landscaper designed
3 it to get maximum Coverage from a higher height, I
4 guess. So it's in between, so I don't know,
5 there's also -- I can look here -- there's a
6 picture of the inside which may -- you'll see what
7 I'm about to try to describe. No, my picture on
8 the inside doesn't really -- I guess, it does sort
9 of, the angle isn't the best. But basically,
10 there are five River Birches between the
11 arborvitaes, and so there are open spaces that
12 look out into North Avenue from there, which would
13 be better covered by a 6-foot high fence.

14 MR. MASCIALE: Versus a 4-foot
15 fence.

16 MR. JONSON: Versus a 4-foot fence.

17 MR. MASCIALE: So there's like five
18 or six spots, the two-feet, is you're looking to
19 block in?

20 MR. JONSON: Correct.

21 MR. MASCIALE: And there's no way to
22 do that with screening?

23 MR. JONSON: What do you mean by
24 screening?

25 MR. MASCIALE: Like another tree or

1 a bush on your side of the fence. I mean to me
2 there's --

3 MR. JONSON: Part of the reason is
4 you know I indicated this is used for leisure and
5 recreation. Bringing in another tree would take
6 away from that ability and would minimize yard
7 area.

8 CHAIRMAN FUSARO: Mr. Jonson, again,
9 looking at the photographs, the fence that you
10 currently have along the corner and the front of
11 your property is a sculpted wood fence or a
12 sculpted vinyl fence, and the fence you're looking
13 to replace looks like a simple 4-foot high
14 stockade fence. You're looking to replace it with
15 a -- the last page of our packet shows a diagram
16 of the fence that you're looking to replace it
17 with. And I guess it would be a sculpted-type
18 fence similar to what you have in the front.
19 However, even though it's six-foot-high, the top
20 of it is basically open.

21 MR. JONSON: Yeah. I did that for
22 aesthetic purposes in part to this application to
23 try and maintain the consistency with the look of
24 the outside fence. Personally, I wouldn't be
25 opposed to just having a block full 6-foot height

1 for the reasons that I was already explaining.

2 CHAIRMAN FUSARO: Thank you. Any
3 other Board Members have any questions for
4 Mr. Jonson at this time?

5 MS. HROBLAK: I have a quick
6 question. The arborvitaes along the neighbor's
7 property, would they have to be removed? Are they
8 along the fence line? Would they be killed by new
9 fence construction, like, damaged?

10 MR. JONSON: No. They're fully
11 grown at this point, and the sunlight is -- the
12 fence has been in front of them all along. So
13 there shouldn't be any risk to their survival or
14 anything. They're well-rooted and there's plenty
15 of sun coverage, so there shouldn't be any impact.
16 I'm obviously not a -- whatever the scientific
17 term is for somebody who deals with plants -- but
18 they've got critical mass.

19 MS. HROBLAK: I like it; critical
20 mass. I think it's a town arborist; the person.

21 MR. JONSON: Arborist. That is the
22 word, yeah.

23 MS. HROBLAK: Thank you. I couldn't
24 tell if some of them were actually going to be
25 along the line of the fence here. Thank you.

1 CHAIRMAN FUSARO: Any other Board
2 Members? Seeing none, does anyone from the public
3 wish to address this application? Please raise
4 your hand virtually and Mr. Sammet will allow you
5 into the meeting.

6 MR. SAMMET: Going once. There's no
7 one, Mr. Chair.

8 CHAIRMAN FUSARO: Thank you so much,
9 Mr. Sammet. We'll close that portion of the
10 meeting. No one else, no other Board Members have
11 any comments or questions for Mr. Jonson. At this
12 time, we'll close that portion of the meeting as
13 well and open it up to Board discussion.

14 As you know, Mr. Jonson's property
15 is along North Avenue located virtually across the
16 street from Lord and Taylor or where Lord and
17 Taylor was. North Avenue is a state highway and
18 does, obviously, have a significant amount of
19 traffic. The photographs that you have in your
20 package obviously show quite a bit of screening,
21 in my opinion, as Chris had mentioned as well.
22 However, it appears that Mr. Jonson would like to
23 increase that screening with the addition of this
24 six-foot-high fence. And Don, correct me if I'm
25 wrong, this would normally be allowed in a rear

1 yard, but since this is a unique triangular-shaped
2 lot, that's where the front yard, side yard issues
3 come into play; is that correct?

4 MR. SAMMET: That's right. The
5 applicant is proposing a 6-foot tall fence in what
6 the zoning ordinance considers a street-side yard.
7 Similar to -- well, exactly how a fence is treated
8 for a front yard area in Westfield where you want
9 the smaller fences. So only 4-foot is permitted
10 where he's proposing.

11 CHAIRMAN FUSARO: Thank you so much.
12 While I'm kind of -- no pun intended -- on the
13 fence about this application, as I mentioned
14 previously, there is a fair amount of screening in
15 my opinion. However, the applicant is requesting
16 some additional screening. I do kind of like the
17 fence design that's being proposed with the
18 sculpted top to match the 4-foot fence which is
19 around the remaining portion of the property. You
20 know, certainly under the C-1 Variance, would be
21 what we would be -- C-1 Criteria, I'm sorry, is
22 what we would be reviewing this under. Don has
23 also included in his report where that setback
24 line would be where this portion of the property
25 is considered the street-side yard.

1 Having said that, I would support
2 the application. How does the rest of the Board
3 feel?

4 MS. MOLNAR: I feel there's plenty
5 of screening, but since he does have small
6 children, I'd be in favor of a higher fence.

7 CHAIRMAN FUSARO: Thank you, Carol.
8 Anyone else?

9 MR. REISEN: I concur with
10 everything that's been said.

11 CHAIRMAN FUSARO: Thank you, Sam.

12 MS. HROBLAK: I'm also confused with
13 Chris, but I do understand the desire to close off
14 that space. It's just kind of interesting to me.
15 I thought you'd maybe get more sound barrier with
16 a higher, solid fence if you were going to do it.

17 MR. JONSON: Yeah, I mean.
18 Definitely for sure --

19 CHAIRMAN FUSARO: Mr. Jonson, sorry,
20 we have that portion closed. However, if you'd
21 like to hear from Mr. Jonson, I can certainly
22 reopen it.

23 MR. JONSON: No. I had the same
24 thoughts. That's all I was saying. For sure, and
25 I was back and forth. You know, looks versus

1 effect.

2 CHAIRMAN FUSARO: As I mentioned
3 earlier, North Avenue is a heavily trafficked
4 roadway. So certainly, a solid fence might be
5 better. However, a sculpted fence with the
6 combination of the arborvitaes will certainly
7 suffice. Any other Board Members; comments?

8 MR. MASCIALE: I'll just comment,
9 Frank. There's really no hardship here. The
10 applicant is trying to maximize the use and the
11 barrier. I understand he's on North Avenue.
12 Typically. I'd be against this type of
13 application because, without the screening, the
14 6-foot fence would block the sight lines and that,
15 but with so much screening here, you're not going
16 to see to fence anyway, and I like it sculpted. I
17 think it doesn't maximize the 6-foot as a solid
18 fence. And there're certain roads in town like
19 Rahway Avenue where there're sections where there
20 are side yards where there are preexisting 6-foot
21 fences around, and it really gives a buffer. It's
22 against the ordinance of the town, but there're
23 certain neighborhoods where that's kind of
24 grandfathered in; if you want to say it
25 unofficially. In this location, you know, he's

1 trying to create a backyard and a hardship here.
2 I don't really see a hardship, but I don't see a
3 negative impact. And based on that with the C-1,
4 I think we can grant this. But I would ask is if
5 we give consideration if the screening for the
6 trees dies what goes back in there. If you say
7 replace a 20-foot arborvitae and loses 20 trees,
8 he's going to have to take out a second mortgage.
9 So maybe we should have some language in there
10 that it's at least as high as the fence or
11 something.

12 CHAIRMAN FUSARO: A minimum of
13 6-foot of whatever.

14 MR. MASCIALE: Something like that
15 to cover the fencing.

16 CHAIRMAN FUSARO: Standard
17 arborvitae trees are 6- to 8-feet usually.

18 MR. MASCIALE: Otherwise, bringing
19 in a dozen 20-foot arborvitaes get a little bit
20 expensive.

21 CHAIRMAN FUSARO: Extremely. I
22 agree.

23 MS. MOLNAR: Could we approve this
24 under the C-2 rather the C-1 hardship because this
25 is not a hardship.

1 MR. MASCIALE: I think we need to
2 state it. I don't think we actually physically
3 vote on C-1 or C-2, but we reference it. So,
4 yeah, you're right Carol, C-2. I think that is
5 correct.

6 CHAIRMAN FUSARO: That's fine.
7 Thank you. If there are no other comments, we've
8 heard a proposed condition, do I have a motion?

9 MR. MASCIALE: I'll make a motion to
10 accept the application with the condition that the
11 screening be maintained with replacing at least
12 6-foot arborvitaes or equivalent.

13 CHAIRMAN FUSARO: Thank you,
14 Mr. Masciale.

15 MS. HROBLAK: Second.

16 CHAIRMAN FUSARO: Seconded by
17 Ms. Hroblak. Mr. Sammet, please call the roll.

18 MR. SAMMET: Chairman Fusaro.

19 CHAIRMAN FUSARO: Yes.

20 MR. SAMMET: Ms. Hroblak.

21 MS. HROBLAK: Yes.

22 MR. SAMMET: Mr. Masciale.

23 MR. MASCIALE: Yes.

24 MR. SAMMET: Ms. Molnar.

25 MS. MOLNAR: Yes.

1 MR. SAMMET: Ms. Pavon.

2 MS. PAVON: Yes.

3 MR. SAMMET: Mr. Sontz.

4 MR. SONTZ: Yes.

5 MR. SAMMET: Mr. Gelinas.

6 MR. GELINAS: Yes.

7 MR. SAMMET: Mr. Reisen.

8 MR. REISEN: Yes.

9 CHAIRMAN FUSARO: Thank you.

10 Mr. Jonson, your application is approved. Good
11 luck with your project.

12 MR. JONSON: Thank you.

13 CHAIRMAN FUSARO: Enjoy your
14 evening.

15 Moving right along to our third
16 application of the evening. Is for 300 Roanoke
17 Road, Giuseppe DiPietro and Lina Ferraro.
18 Applicant is seeking approval to install an
19 in-ground swimming pool and patio contrary to the
20 Westfield Land Use Ordinance Section 13.02.D.3
21 where pool location; in zoning side-yard permitted
22 is rear yard and proposed is zoning side yard.
23 And Section 12.04.G where maximum improvement
24 coverage permitted is 40% or 7,200-square feet,
25 and proposed is 38.8% or 7,823-square feet.

1 I believe Mr. Hehl is representing
2 the applicants this evening. I see Mr. Watson and
3 I see the applicants.

4 MR. HEHL: I'm two boxes away from
5 you.

6 CHAIRMAN FUSARO: Is there anyone
7 else, Mr. Hehl?

8 MR. HEHL: No. Giuseppe and Lina
9 and Mr. Watson; Jim Watson.

10 CHAIRMAN FUSARO: Thank you,
11 Mr. Hehl. Please proceed.

12 MR. HEHL: Great. Thank you and
13 great to see everyone. And I hope the next time,
14 next months' meeting, will be in-person and move
15 on back to a normal life. Again, thank you very
16 much. This is an application by Giuseppe DiPietro
17 and Lina Ferraro. I know everyone is probably
18 familiar with the Ferraro family. They own the
19 restaurant in town, Ferraro's South, which kind of
20 helped us survive through the pandemic with orders
21 from Ferraro's South, and also their interest in
22 the Bovella's Bakery. But they are long-standing
23 residents of Westfield, and the pandemic has
24 brought to light the importance of family. And
25 they're looking to continue that. And this Board

1 has had quite a few of those cases.

2 This is a bit of a unique
3 application, and Mr. Sammet did a great job --
4 thank you, Don -- for giving an overview.
5 There're two variances associated with this
6 application. The first is that we're seeking to
7 have the pool placed in the side yard. But as Don
8 aptly noted in his report and you'll hear from the
9 testimony as shown in the plans that were
10 submitted. It's really because when you look at
11 it, the true front yard is Roanoke, but as a
12 practical matter, the house faces Lawrence and the
13 quote-unquote "usable rear yard" is behind the
14 house facing Lawrence. And I think as Don noted,
15 the quote-unquote "rear yard" is less than
16 15-feet. So if you were to try and put it,
17 there's no room for a pool there. The logical to
18 put the pool is in the side yard.

19 The other variance is for the
20 coverage, and we do meet the zone criteria for the
21 40%. So we're below the 40% but we're above the
22 7,200. But two factors there -- and I think this
23 Board has heard extensive testimony on other
24 applications -- that a pool, for coverage
25 purposes, actually acts as detention, but also, we

1 have no problem making it -- if this Board is kind
2 enough to approve this application -- to indicate
3 that we would provide detention, work with the
4 town engineer to provide additional detention to
5 address the overage. Like I said, we're below the
6 40% but we're above the 72.

7 So that's an overview of the
8 application, Mr. Chairman and Board Members.
9 Again, I'd like to thank Mr. Sammet. He always
10 does a great job providing an overview to the
11 Board of the items that we're going to discuss
12 this evening. So what I'd like to do first is
13 call up Mr. Watson to take us to the plans from
14 EKA and he'll be wearing a hat not only as
15 designer of the site but also as professional
16 planner. And then, Giuseppe and Lina would like
17 to say a few things to the Board. So I would call
18 upon Mr. James Watson.

19 CHAIRMAN FUSARO: Thank you,
20 Mr. Hehl. Mr. Watson, please raise your hand.

21 JAMES WATSON, having been duly
22 sworn, was examined and testified as follows:

23 CHAIRMAN FUSARO: Mr. Watson, I know
24 you've appeared before the Board several times
25 this year already. So we will continue to

1 recognize your expert testimony in the field of
2 planning.

3 MR. WATSON: Thank you very much.

4 Can everyone hear me okay?

5 CHAIRMAN FUSARO: Yes, sir.

6 MR. WATSON: I'm going to try and
7 share my screen and I'll walk you through the
8 plans. Don, do I need to do anything other than
9 just hit the button?

10 MR. SAMMET: No. You should be able
11 to, Jim. Yes, we can see it.

12 MR. WATSON: I'm going to start with
13 the cover sheet. There we go. Typical cover
14 sheet for our plans. In the upper left-hand
15 corner, you have a list of owners within 200-feet.
16 Upper right-hand corner you have your key map;
17 it's the USC&G Quadrangle Map in this case. Below
18 that, signature blocks where the approvals and for
19 the owner/applicant. Left side and bottom you
20 have some general notes. Set of plans is entitled
21 "Variance Plan Tax Lot 33, Block 406." In the
22 center of the sheet, you see your tax map data
23 with the zoning criteria overlaid on there.
24 Everything, or most of everything, you see is in
25 the RS-24 Zone. To the upper right, everything

1 below that is the RS-16. In the center of the
2 sheet at the bottom is the zoning table. And I'll
3 zoom in a little bit on that.

4 This is a for the RS-16. I'm not
5 going to read everything. You'll see, we do have
6 a number of existing non-conformities. They were
7 granted by a prior approval back in 2009. The two
8 variances that we have to deal with tonight are
9 the location of the pool in the zoning side yard.
10 It is actually the functional rear yard of the
11 house. And again, as Mr. Hehl said, we violate
12 the maximum coverage. We do comply with the 40%.
13 We do not comply with the 7,200-square foot limit.

14 MS. MOLNAR: Has that been noted as
15 a variance?

16 MR. WATSON: It is noted as a
17 variance, yes. Because you have a two-prong
18 approach when it comes to maximum coverage of a
19 lot. And in this case, we don't meet the square
20 footage requirement.

21 MS. MOLNAR: But the general
22 requirements all say no variance, no
23 (indiscernible) that's a, yes?

24 MR. WATSON: Yeah. We don't know
25 how to -- we noticed for it. It was noticed for

1 in the paper and on the notices that were mailed
2 out. But sometimes, you know, we'll put "no"
3 because -- well, listen to my argument a little
4 bit more, and then we can make a decision. Okay?

5 MS. MOLNAR: Yep.

6 MR. WATSON: Moving along, what I'll
7 do is go to Sheet 2, which is your site plan and
8 grading plan. You'll see the existing house shown
9 and the existing driveway shown that are screened
10 back. You can see the proposed patio and pool
11 that is proposed in the functional rear yard of
12 the property. Technically, by your ordinance, the
13 shorter of the two street frontages on a corner
14 lot are defined as your front yard. Your rear
15 yard is opposite your front yard. So in this case
16 Roanoke Road, because it has a frontage of 50.67
17 which is shorter than the frontage of 61.45 along
18 Lawrence Avenue; Roanoke is your front yard. So
19 opposite Roanoke is this line here where my cursor
20 is going back and forth along, that is where by
21 ordinance you have to put your pool.

22 Houses built in 1950, your ordinance
23 was revised in a major revision around 2000 where
24 they started dedicating and getting very defined
25 as what is the front yard, what is the street-side

1 yard, what is the rear yard. So that's the reason
2 the house faces the street-side yard, and the
3 functional backyard is where we're putting the
4 pool. Please keep in mind that no matter where we
5 put this pool on this lot, we're conforming with
6 the pool setback requirements. It's 15-feet to
7 the rear yard and 15-feet to the side yard. So
8 even if the house was twisted around and pushed
9 out towards Roanoke with a different lot set up,
10 we could still put the pool where we show it as
11 long as it was behind or in the rear yard as
12 defined by ordinance. So nothing about the
13 location other than the fact that it doesn't meet
14 your zoning definition of a rear yard, there's
15 nothing else wrong with it.

16 Finishing up, the grading plan, we
17 show some minor grading along the, I guess, it
18 would be the southeasterly line along here. We're
19 creating a high point over in this area. And the
20 grades are going to push the water along the wall
21 out towards Roanoke, and then they're going to
22 swale it along the decking and along the side of
23 the house going over an existing inlet and out to
24 the front yard over the lawn area and out onto
25 Lawrence Avenue. Again, we mimic -- let me go

1 back to this -- we are showing the -- we mimic the
2 notes from the cover sheet that were on the
3 left-hand side. We have a legend, and we also
4 have a title block in the lower right-hand corner
5 along with a bar scale and a detail for sod and
6 walk replacement. The final sheet in the set is
7 the survey which is shown here. It's a title
8 survey dated -- this was dated June 21, I believe
9 -- no, June 23, 2021. This shows the existing
10 conditions and the existing topo on the lot. You
11 can see that there's a paved drive going into a
12 side-entry garage. Technically, that is the front
13 of the house as defined by your zoning ordinance.
14 And the functional front of the house is the side
15 along the west that faces Lawrence Avenue. Again,
16 this is completely landscaped. There's a
17 retaining wall along the easterly line. Along the
18 south, there is more retaining wall. There's a
19 split in there where they have some landscaping in
20 between and another retaining wall moving along
21 the southerly line going towards Lawrence Avenue.

22 That's it for the plans. There's
23 not much to these. If you want, I can answer any
24 questions about the plans, and then I can move
25 into the planning testimony.

1 CHAIRMAN FUSARO: Mr. Watson, you
2 mentioned that this home was constructed in 1950?

3 MR. WATSON: Yeah. I think it was
4 1950. That's what was in your tax rolls, the
5 information. It might have been improved,
6 expanded, and I guess a lot of things done. It
7 doesn't look like a typically 1950s home. I took
8 that from your tax roll information.

9 MS. MOLNAR: What was the original
10 footprint of the original house compared to this
11 footprint?

12 MR. WATSON: That, I don't know.

13 MR. SAMMET: I think, Mr. Molnar, I
14 received the prior variance application, and from
15 my recollection is that at that time they
16 basically built the second story over the existing
17 structure. So I'll make an assumption it's
18 relatively close to what you see there today in
19 terms of footprint.

20 MS. MOLNAR: Okay. Thank you.

21 CHAIRMAN FUSARO: One quick
22 question, Mr. Watson. The retaining wall along
23 the neighbor's property -- I'm looking at some of
24 the top and bottom of wall elevations -- that wall
25 appears to be, approximately, 7-feet high; is that

1 correct?

2 MR. WATSON: Let me go to the survey
3 and we've got -- you're talking about the one
4 along the easterly line?

5 CHAIRMAN FUSARO: Correct. Right
6 there, yes.

7 MR. WATSON: You have about 5-foot
8 here, 6, and in the corner, you've got about 7,
9 yeah.

10 CHAIRMAN FUSARO: Some of the, I
11 guess I would call it "renderings" that were
12 submitted with the package, as well as some of the
13 photographs, show a fair amount of screening,
14 green screening back there. I'm assuming that --
15 yet they're on the other side of the retaining
16 wall -- I'm assuming that vegetation all belongs
17 to this property; correct?

18 MR. WATSON: Correct. There's a
19 fence in there as well. In between the retaining
20 wall and the fence is where most of this stuff is
21 planted. If you want, I can show you pictures
22 that were taken when we did the fieldwork. And
23 this gives a good feeling for where the pool is
24 going to go. The first picture is where my cursor
25 is, that's the corner that you're referring to

1 that's 7-feet high.

2 CHAIRMAN FUSARO: Yes.

3 MR. WATSON: You can see, this wall
4 tapers down. You can see the extensive
5 landscaping in between the wall and the fence.
6 You see the other wall, the space between the two
7 walls are along the southerly line. And again,
8 it's extensively landscaped in between. I can
9 show you a second picture that would be to the
10 right of what you just saw.

11 MR. HEHL: I didn't see a photo,
12 don't know if anybody else did.

13 CHAIRMAN FUSARO: Those are the ones
14 that are included in our package, I assume,
15 Mr. Watson?

16 MR. WATSON: No. Actually, let's
17 mark these. These came from the fieldwork. I
18 thought that they showed a greener nicer setup
19 back there, and you can really get a feel for
20 where the pool is going to go.

21 MR. MASCIALE: We're still looking
22 at the survey.

23 CHAIRMAN FUSARO: We haven't seen
24 it.

25 MR. WATSON: You haven't seen it?

1 I'm sorry.

2 MR. HEHL: No. That's what I was
3 saying, Jim.

4 MR. WATSON: Let me see if I can do
5 this. Let me stop sharing and come back in.
6 There we go. How's that? Better?

7 CHAIRMAN FUSARO: There you go, yes.

8 MS. RAZIN: Do you want to mark the
9 whole package as one exhibit, Mr. Watson?

10 MR. WATSON: Yeah. I just have two
11 photos in it.

12 MS. RAZIN: We'll do A-1 and we'll
13 do two photos. And can you just give me an
14 approximate date that they were taken?

15 MR. WATSON: They were taken
16 June 21, 2021, by our field crew when we did the
17 fieldwork for the project.

18 MS. RAZIN: And they're just site
19 photos?

20 MR. WATSON: Correct.

21 MS. RAZIN: Okay. Thank you very
22 much.

23 (Whereupon, Applicant's Exhibit A-1,
24 FIELDWORK PHOTOGRAPHS DATED 06/21/21, was marked
25 for identification.)

1 MR. WATSON: And just to show you
2 the other photo -- let me see if I can do this.
3 I'll stop and come back in with the other photo.
4 And here's the one that's to the left of what you
5 were just looking at. Can you see that?

6 CHAIRMAN FUSARO: Yes.

7 MR. WATSON: At the corner where my
8 cursor is right now, that's the corner that we
9 were talking about that's 7-feet high. And as I
10 said, you can see the wall tapering down and the
11 vast amount of landscaping they have on the site.

12 CHAIRMAN FUSARO: The 6-foot high
13 fence behind that, all the greenery that's along
14 the rear wall there?

15 MR. WATSON: Right. That's actually
16 higher. It's 6-feet from the ground that's behind
17 the wall. So this relative to our side of the
18 wall, that's probably about 8- or 9-feet tall
19 right there.

20 CHAIRMAN FUSARO: And that same
21 fence exists to the left of the photograph, behind
22 the arborvitaes to the left?

23 MR. WATSON: Correct.

24 CHAIRMAN FUSARO: All along behind
25 that retaining wall.

1 MR. WATSON: Right. You just can't
2 see it because of the thickness of the
3 arborvitaes.

4 CHAIRMAN FUSARO: Great. Thank you.
5 Before Mr. Watson continues with his planning
6 justification, does anyone have any current
7 questions for Mr. Watson at this time? Board
8 members? No? Mr. Watson, please continue.

9 MR. WATSON: Sure. I'm going to
10 still share. I'll put the site plan back up. Let
11 me zoom in a little bit so you have a picture when
12 I'm talking. Like I said before, with tonight's
13 application, we have two variances. The first is
14 for the pool in the side yard. You see where my
15 cursor is. Like I explained before, the easterly
16 line of the property is your sideline by
17 ordinance. The southerly line is your rear yard
18 by ordinance. And the Roanoke Road frontage is
19 your front yard, and Lawrence Avenue is your
20 street-side yard by ordinance. Again, we have the
21 pool in the side yard. We're going to ask for
22 relief under C-1. Basically, it goes to the shape
23 of the property; it's somewhat unique. We do have
24 extenuating circumstances about the zoning
25 ordinance being rewritten finding front yards,

1 rear yards, street-side yards, and regular side
2 yards.

3 Again, the ordinance requires the
4 shorter frontage on the corner lot. And to
5 dedicate where the front and the rear yard is, the
6 pool is in the side yard by ordinance. It is in
7 the functional rear yard of the existing dwelling.
8 And as I stated earlier, we do adhere to the
9 15-foot setback from the pool to the side yard and
10 the rear yard however you define them. So the
11 pool is setback 15-feet from the easterly line and
12 from the southerly line. But we still meet all
13 the setback requirements for the swimming pool;
14 like I said. The functional front yard -- and
15 I'll try not to hammer this too much -- the
16 functional front yard again is Lawrence Avenue.

17 The other variance we have tonight
18 is for the maximum coverage. The coverage we're
19 going to appeal under C-2. We have to talk about
20 five things very quickly. We have to talk about a
21 specific parcel. We have to list the positive
22 criteria. Talk about the negative criteria is the
23 third thing. Weigh the positives and the
24 negatives. And then finally, we have to come to
25 the conclusion there's no substantial detriment.

1 The specific parcel, I would say this is unique.
2 It's 126% of your required minimum lot area. It
3 is a corner lot. It is oddly shaped. I don't
4 think you have many lots like this in town.
5 Moving into Number 2, the positive criteria. I
6 believe we comply under A, and this comes from the
7 Purposes of Zoning. "To encourage municipal
8 action and guide the appropriate use and
9 development in all lands of the state no matter
10 which will promote public health, safety, morals,
11 and general welfare." Again, general welfare is
12 what we're going to apply under. You're allowing
13 an existing home to upgrade with desirable
14 amenities in this day and age and increase home
15 values in the immediate area and the town as well.

16 I also think we comply under E,
17 which is: "To promote establishment of
18 appropriate population densities and
19 concentrations that will contribute to the
20 wellbeing of persons, neighborhoods, communities,
21 and regions, and the preservation of the
22 environment." In layman's terms, streetscape.
23 Everything that we are constructing is in a
24 backyard that is lower than the surrounding yards,
25 it's buffered extremely well with a lot of

1 plantings, and it is immediately behind the
2 dwelling. It's in the functional rear yard of the
3 existing dwelling. The only way to really see
4 this would be from Roanoke, and you'd have to be
5 able to look past the landscaping along Roanoke
6 and down behind the existing dwelling that's there
7 now where my cursor is, and even part of that is
8 screened and obscured from your view on Roanoke.

9 I also believe we comply with I,
10 which is: "To promote a desirable visual
11 environment through creative development
12 techniques, good civic design, and arrangements."
13 Again, this is a fine way to put a pool to an
14 existing dwelling. Like was stated earlier by
15 Mr. Hehl, keep in mind that the pool is counted as
16 impervious coverage in your ordinance. In
17 actuality, the pool is actually a detention
18 system. The pool that we have is -- what is it,
19 it's 504 -- when you do the math, 504-square feet.
20 So if you subtract the 504 from our overage in
21 your square footage column, we're really only
22 119-square feet over the 7,200 requirement.
23 Again, to put it in perspective, that's the size
24 of three sheets of plywood. That's not a huge
25 area. You have a lot that's got 120,000-square

1 feet on it. So this is not a big area that we are
2 going over on. But also keep in mind that the
3 pool acts as a stormwater management device.
4 Everything that hits that pool stays there until
5 it's pumped out by the owners or whoever operates
6 the pool. We can do additional stormwater
7 management if you feel it's necessary. The two
8 areas we could do is in between the driveway and
9 the easterly line over in the area where my cursor
10 is. Or the other area would be along the frontage
11 of Lawrence Avenue at the southerly end of the
12 front yard. We could put something over here.
13 The reason I suggest that area is when you do some
14 sort of detention pit, you want clean water to go
15 to it. We wouldn't capture anything from the
16 pool. What we would do is direct some of the roof
17 leaders into a system so that the maintenance is
18 lessened and you get clean water in there and you
19 don't have a failure of the system with grass
20 clippings, leaves, and the like.

21 The third thing we have to talk
22 about tonight are the negatives. And I don't see
23 any negatives to this. It's a typical residential
24 accessory use. You're allowing a family to
25 utilize their backyard, especially after the last

1 couple of years we've had, everybody is doing
2 this. I've been before you several times on
3 projects like this. Just a quick recap, like
4 Mr. Hehl, stated we're allowing a family to have
5 gatherings in a safe, isolated environment. The
6 pool is 509-square feet. Like I said, it has no
7 runoff and it works and acts as a detention
8 device. The 119-square foot overage is less than
9 a couple of sheets of plywood; like I said. We
10 are putting it in the functional rear yard which
11 has mature landscaping in place and has had it
12 there for several years. And all the existing
13 non-conformances were granted variances back in
14 2009. All the work will be done behind the
15 existing dwelling, no change to the streetscape
16 will be noticed by anyone on Roanoke or Lawrence
17 Avenue. Like I stated, there are no negatives.
18 And we can ask for the C-1 relief for the location
19 of the pool in the side yard as defined by your
20 zoning ordinance. And finally, just to reiterate,
21 we do comply with your pool setback requirements
22 of 15-feet to the side and 15-feet to the rear.
23 And finally, it's my opinion, and I hope you agree
24 with me, that by granting the two variances we're
25 asking for there will be no substantial detriment

1 to your zoning ordinance or your master plan.

2 That's it for the planning testimony. If anybody
3 has any questions, I'll be glad to answer them.

4 MS. MOLNAR: I have two questions.

5 How close is the pool to the next-door neighbor's
6 porch?

7 MR. WATSON: That, I don't know. If
8 they adhered to the setback requirement, the pool
9 would be at least 30-feet away. I'm assuming that
10 their porch is 15-feet from the sideline, from
11 their sideline, and we have a 15-foot setback on
12 the pool.

13 MS. MOLNAR: Is the retaining wall
14 and the landscaping sufficient for noise reduction
15 and buffering? Because when you have a pool and a
16 lot of people in your backyard, it might generate
17 noise. Does the wall and the landscaping cut
18 back, cut down on some of the noise?

19 MR. WATSON: Yeah. If you want, I
20 can put the picture back up. We are about 9-feet
21 lower than them. You do have sufficient
22 landscaping. But keep in mind this is a
23 residential area. These are things that your
24 ordinance anticipates, and they are normal -- I'm
25 mean you're not going to have a pool party every

1 night. Once in a while, you may have a larger
2 gathering. For the most part, I don't know, if
3 your kids are like my kids, they use the pool from
4 Memorial Day to the Fourth of July and after that,
5 they just ignored it. They were doing other
6 things. You know, you pay for the chemicals all
7 year, but maybe three or four times they'll go in
8 it after the Fourth of July and that's about it.

9 CHAIRMAN FUSARO: Mr. Watson, I've
10 got a couple of questions for you. I'll start
11 with a simple one. The opening in the retaining
12 wall along the neighbor's property there where it
13 starts and stops, I'm looking at your Sheet 2 of
14 2, and I see that you're proposing a new fence
15 where that would face Lawrence Avenue in that
16 corner of the home. And then there's a fence that
17 runs across -- I'm assuming that's a new fence as
18 well -- that's running across the front of the one
19 section of retaining wall. And then what happens
20 at the opening? Because if you look at one of the
21 photographs, one that's in our package as well as
22 one of the ones that you had posted up before
23 where I had questioned that stockade fence that's
24 existing, it looks like it stops in that area.

25 MR. WATSON: Well, let me zoom in a

1 little bit. You're still seeing the site plan?

2 CHAIRMAN FUSARO: Yes.

3 MR. WATSON: Let me know zoom in a
4 little bit. This area right here is where you're
5 talking about. We're proposing a new fence to
6 come off of the house, up to the retaining wall,
7 stay on our side or the northerly side of the
8 retaining wall, come along to the end, and then
9 connect to the fence that's up above that
10 retaining wall and runs between the two pieces of
11 retaining wall here. The fence that's new will
12 start here where my cursor is, come down along the
13 edge of the retaining wall, along the face of the
14 retaining wall, and put back into the house. And
15 that's for your building department. We have to
16 secure the pool. How they connect, I'm assuming
17 the building department will be very involved in.

18 CHAIRMAN FUSARO: I was curious as
19 to what currently was between the opening, and
20 you're telling me there is an existing fence there
21 now?

22 MR. WATSON: Yeah. There's a fence
23 here in between these two ends of the retaining
24 wall, and it's shown in the photograph. I can put
25 it back up if you need it.

1 CHAIRMAN FUSARO: That's okay. No
2 problem. It's fine. I have no issue with that.
3 The other question I had -- let's see here -- you
4 mentioned in your application that you were
5 removing a portion of the existing porch. Can you
6 please explain to us where that would be? Because
7 it doesn't appear clear on any of the plans of
8 what exactly is being removed.

9 MR. WATSON: Hold on. I'm going to
10 stop sharing and come back in with the photo.
11 This is the area in the back, and this is the
12 portion of the porch where my cursor is. To the
13 left of that, they're going to take that off and
14 regrade it a little bit so that you can get down
15 from the porch that's underneath the roof and the
16 overhand here and walk and transaction to the pool
17 area. So they're going to take some of this off
18 up here where these two flower pots are and it's
19 going to be graded a little different. It may
20 have a step-down. I don't have the whole thing in
21 front of me right now, but this is where you're
22 talking about is right here.

23 CHAIRMAN FUSARO: So it's basically,
24 a patio area.

25 MR. WATSON: Right. They're just

1 going to remove it and regrade it.

2 CHAIRMAN FUSARO: While you have
3 that photograph up; if you look behind the soccer
4 net there, you see the fence I'm referring to.

5 MR. WATSON: Correct.

6 CHAIRMAN FUSARO: It looks like a
7 6-foot high stockade fence which is wood in color.
8 What is below that?

9 MR. WATSON: That looks like it is
10 part of --

11 CHAIRMAN FUSARO: Yeah. Right
12 there.

13 MR. WATSON: It looks like they may
14 continue -- it may be wall -- I can't really tell.
15 But this is the curved part of the retaining wall
16 that you see on the site plan, that's this area
17 right here. This may be a neighbor's retaining
18 wall that's underneath that fence.

19 CHAIRMAN FUSARO: That's fine.
20 Thank you. You've testified that in your expert
21 opinion it doesn't appear that this particular
22 project is going to create any additional
23 stormwater concerns as far as you can see?

24 MR. WATSON: Yeah. I mean we've
25 talked about this before. When you take the pool

1 into consideration you're increasing the
2 impervious coverage on the project by 120-square
3 feet, basically. Three sheets of plywood is
4 144-square feet. So on a lot that's
5 120,000-square feet, you're about 1% maybe.

6 CHAIRMAN FUSARO: Based on the 7,200
7 that's allowed and 7,823 that you're requesting,
8 my calculations come out -- which is a difference
9 of 623-square feet -- my calculations come out to
10 be, approximately, 9%, 8.6-and change. I'll round
11 that off to 9% over on the coverage.

12 MR. WATSON: My argument is if you
13 take the pool out of that, we're only 119-square
14 feet over because the pool is 509-square feet and
15 we have to count that in the impervious
16 calculation.

17 CHAIRMAN FUSARO: Well, currently,
18 it's grass. So that's impervious coverage.

19 MR. WATSON: You do have the other
20 patio extension here. You can see where the seats
21 are. This whole thing is probably -- this is
22 definitely coming out because this is where the
23 pool is going to be. See where my cursor is
24 moving?

25 CHAIRMAN FUSARO: Yes.

1 MR. WATSON: There's another patio
2 back here where they have I guess outdoor
3 furniture sitting. So that's all coming out and
4 just going to be replaced; like I said earlier.

5 CHAIRMAN FUSARO: Two quick items
6 and then I'll ask if any other Board Members have
7 questions. I noticed from the renderings that
8 were submitted with our package which basically
9 show the layout of the proposed pool, the proposed
10 seating around the pool. These were created by
11 Seasonal World which I assume is the pool
12 installer/contractor. It shows a fair amount of
13 seating basically along both -- I'm going to call
14 it the rear of the pool -- as well as the one side
15 of the pool. Again, based on my quick
16 calculations here, that one patio area which is
17 12-feet wide shown on your plan there is about
18 425-square feet, and then the area up against the
19 rear retaining wall is about another 288-square
20 feet. So that's about 700-square feet. And since
21 we're over about 600-and whatever I had mentioned
22 before, 623, is there any consideration or would
23 you consider eliminating a portion of that patio
24 area/seating area, whatever you want to call it,
25 to kind of bring us a little bit closer to where

1 we need to be so that we get as close to
2 7,200-square feet as possible?

3 MR. WATSON: I understand. A
4 suggestion, and it's just a suggestion at this
5 point, do you see where my cursor is?

6 CHAIRMAN FUSARO: Yes.

7 MR. WATSON: If you drew a line from
8 there to this corner here, that would allow you
9 the 3-feet around the pool and give you the
10 ability to walk all the way around the pool and
11 maintain it. That may help. You would have to
12 check with the applicant; they're up behind me.

13 CHAIRMAN FUSARO: One other quick
14 question and then I'll let you go. The retaining
15 wall -- and Don, I think this question you may
16 need to help me out here a little -- as I
17 mentioned earlier, and as Mr. Watson confirmed,
18 the retaining wall along the rear of the property
19 in the far corner, at its highest point is,
20 approximately, 7-feet high. Is there something in
21 our ordinance that says any retaining wall above
22 5-feet requires a variance? Is that correct or
23 incorrect?

24 MR. SAMMET: It's never -- retaining
25 walls have a 4-foot maximum height. You can tier

1 a retaining wall. So you get the 4-feet and then
2 you have to step the next section of wall back.

3 CHAIRMAN FUSARO: This is a 7-foot
4 wall. It's, obviously, higher than 4-feet. How
5 does that come into play here?

6 MR. SAMMET: Right. Well, I'm not
7 sure who it belongs to.

8 MR. WATSON: It's definitely our
9 wall.

10 MR. SAMMET: It may predate the
11 ordinance. I'm not sure when it was installed.

12 CHAIRMAN FUSARO: It's definitely
13 their wall because their arborvitaes are on top of
14 the wall -- you know, behind the wall.

15 MR. WATSON: Do you have the plan
16 from 2009? Fine did they submit anything? I
17 don't have anything other than what you see here.

18 CHAIRMAN FUSARO: Yeah. And there's
19 nothing -- I read through the variance that was
20 granted back in 2009, and it doesn't mention
21 anything regarding the height of the retaining
22 wall.

23 MR. HEHL: I agree, Mr. Chairman. I
24 looked at that also and I didn't see anything in
25 there. But again, we're not changing that, and as

1 Don mentioned, it may have predated the ordinance.

2 MR. SAMMET: Yeah. I don't know
3 when it was put in.

4 CHAIRMAN FUSARO: I just wanted to
5 bring that up. Okay. Are there any Board Members
6 that have any other questions of Mr. Watson at
7 this time before we bring in the applicants and
8 then open it up to any public comments? Any Board
9 Members have any other questions for Mr. Watson at
10 this time?

11 MS. HROBLAK: I have two questions,
12 Frank.

13 CHAIRMAN FUSARO: Sure.

14 MS. HROBLAK: One is for Mr. Watson
15 and one is for Don. I was curious as to if you
16 knew the invert level of the yard inlet drain
17 that's over in the south end of the pool and where
18 does it go?

19 MR. WATSON: That, I don't know.
20 That might be a better question for the homeowner.
21 A lot of times landscapers will put something like
22 that in and tie it into the pipe that services all
23 the gutters and leaders that come down along the
24 house and pipe it out to the street. We did not
25 see anything. It may come out of the wall. You

1 can still see the site plan; correct?

2 MS. HROBLAK: Yes.

3 MR. WATSON: It may come out over in
4 an area over here and we just couldn't find it.
5 It looks like something a landscaper would do.
6 It's small so it's probably one of those Home
7 Depot-type inlets where you just put the pipe into
8 one side and you pop a grate onto the top and use
9 it to drain a problem area in your yard.

10 CHAIRMAN FUSARO: Are there any dry
11 wells that you know of on-site, Mr. Watson?

12 MR. WATSON: Not that I know of.
13 Again, the homeowner is coming up behind us. It
14 would probably be a better question for him.

15 MS. HROBLAK: So, yeah, I mean at
16 the bottom of retaining walls it's frequently a
17 wet situation, so I was curious if it was draining
18 some spongy grass area or if it actually served a
19 function and if you were going to be tying into
20 it. It looks like your contour goes around it.
21 It's still going to pick up some of the backyard
22 runoff, so I'd like to know how it plays into it.

23 MR. WATSON: Yeah. We're trying to
24 swale this all the way around this area and then
25 along the southerly line out to the Lawrence

1 Avenue gutter.

2 MS. HROBLAK: Along, at grade.
3 You're just trying to drain along the grass.

4 MR. WATSON: Right.

5 MS. HROBLAK: My second question is
6 for Don. Don, is there any requirement for the
7 level of the, I would say, the surface elevation
8 of the water in a pool? Does it have to be a
9 certain amount of inches below what they're
10 showing for coping elevation or the adjacent patio
11 elevation?

12 MR. SAMMET: It's certainly not in
13 zoning. I wouldn't be familiar with any
14 construction code requirements.

15 MS. HROBLAK: Okay.

16 MR. WATSON: I know from experience,
17 typically, it's between 8-inches and a foot
18 because you have the skimmers pulling the water
19 off. The coping elevation is the tile that goes
20 around the trim. And that's the highest point of
21 the pool and the deck basically because we grade
22 away from that in all circumstances.

23 MS. HROBLAK: Yeah. I'm just
24 curious as to how much detention volume is
25 actually in the pool. Because some pools are only

1 a couple of inches down.

2 MR. WATSON: The forever pools are,
3 but like this that's self-contained, you get at
4 least 8-inches on something like this. To be
5 safe, figure 6-inches. So do 6 times --

6 MS. HROBLAK: Yeah, it's a
7 substantial volume. Also, are the chairs that are
8 inside that pool shown in the drawing, are they
9 built into the pool?

10 MR. WATSON: That would be a
11 question for the homeowner. I just take the box
12 and put it on.

13 MS. HROBLAK: Those are really cool.
14 Those are all my questions. Thanks.

15 MR. WATSON: You're welcome.

16 CHAIRMAN FUSARO: Any other
17 questions for Mr. Watson from the Board? Why
18 don't we ask if there's anyone in the public that
19 has any questions specifically Mr. Watson? You'll
20 have a chance further on if you have any general
21 comments about the application. But are there any
22 specific questions from anyone in the audience for
23 Mr. Watson as to his testimony? If there are,
24 please raise your hand virtually and Mr. Sammet
25 will let you in.

1 MR. SAMMET: I see a
2 Mr. Michael Melino. Mr. Melino, we should be able
3 to hear you now.

4 MR. MELINO: Thank you for this
5 invitation.

6 CHAIRMAN FUSARO: Mr. Melino, please
7 state your name and address for the record.

8 MR. MELINO: Sure. It's
9 Michael Melino, 980 Lawrence Avenue. I'm the
10 property adjacent to the one in question; Lot 32
11 on Lawrence Avenue.

12 CHAIRMAN FUSARO: Mr. Melino, please
13 raise your right hand.

14 MICHAEL MELINO, having been duly
15 sworn, was examined and testified as follows:

16 MR. MELINO: My main issue I guess
17 is the proposed topography and impermeability of
18 the proposed pool area. Currently, as stated, I'm
19 on the south side which is surrounded by a wall
20 that's currently existing now with a fence. The
21 topography as I see it, and I haven't had a chance
22 to really study this, but the topography as I see
23 it now goes from 242 down to 237. And as I heard
24 Mr. Watson explain that the "swalling" as he
25 called it or mentioned was going towards Lawrence

1 Avenue which means it will be funneling through
2 this chokepoint between the wall that currently
3 exists on the south side and the house which is
4 adjacent. And if you look at the topography, it
5 goes from 242 -- I don't know if these are in feet
6 or what -- down to 237. Currently, I've
7 experienced during heavy rainstorms basically
8 erosion in my mulch which is adjacent past the
9 final part of the wall. So what happens is water
10 flows between the wall and the south side and that
11 arched wall that you see in the front. So there's
12 a point in, so you can see, there's actually a
13 pitch. It goes from 242 down to 237. And between
14 these two walls, the arched wall in the front and
15 the side wall on our property line, there's a
16 water flow during heavy rain. I don't know if
17 it's coming off of the drain spouts of the house,
18 but I was concerned with the proposed
19 impermeability of the backyard as it's currently
20 proposed and the effect of the topography that we
21 currently see on this gradient map. So I wish
22 that could be addressed. And whether there's any
23 intention to put storm cellars or some kind of
24 storm drainage in this chock point here between
25 the wall on the south side and the curved arched

1 fence in the front.

2 MR. WATSON: Right now we're
3 proposing to get rid of the inlet that's there.
4 You can see the callout on our site plan. We can
5 leave it there. It's graded around it. We're
6 just unsure about the quality of it right now,
7 whether the pipe is usable. Like I stated before,
8 my assumption is this is something a landscaper
9 put in. The volume that it would handle would not
10 be huge, but it would handle some of the water
11 that comes down in between here. But with the
12 construction and the regrading of the swale, the
13 water shouldn't migrate past the low point that
14 we're creating. You can see those 241-50 where my
15 cursor is, it goes to 241 right here down to 240,
16 and then down to 239. And it's not a defined
17 ditch, but it is a low point that you can manage
18 when you grade after construction and create a low
19 point to manage and push the water out that way in
20 between the retaining wall and the house. Nothing
21 should be pushed onto you with this grading plan?

22 MR. MELINO: Currently, I don't know
23 what the existing topography is at the points that
24 we're talking about here between 231.5 and 239.
25 But I can tell you that currently, I'm

1 experiencing some erosion on my property between
2 the arched fence and the front of the arch facing
3 Lawrence Avenue and the side wall on the south
4 side of the property. So in that chokepoint there
5 --

6 MR. WATSON: (Indicating.) Right.

7 MR. MELINO: Right in there, yes.
8 And what it does, it flows into my property. And
9 I have a lot of mulch that's covering with flower
10 arrangements in this area on my property side that
11 gets eroded from a heavy rain currently. What I
12 was concerned about is that if we're increasing
13 the impermeability of the backyard and you're
14 talking about a pinch modification, I'm wondering
15 if that's going to exacerbate what I'm currently
16 experiencing.

17 MR. WATSON: I'm going to switch to
18 the existing conditions plan if you bear with me a
19 second.

20 MR. HEHL: One thing I can add while
21 Mr. Watson is doing that, Mr. Melino. As we
22 indicated, or I indicated in the beginning that we
23 would work with the township or the town engineer
24 to address and work on additional detention based
25 upon the increase in the impervious. And now that

1 this is good being brought to our attention
2 because we can look into that and address those
3 concerns while we do that.

4 MR. MELINO: Okay. I mean you can
5 understand my point here by seeing how narrow the
6 interface is between the south side wall between
7 our property lines and this curved arch wall in
8 the front. So basically we're acting as a
9 funnel-effect coming through here that currently
10 exists now. Only during heavy rains. I don't
11 experience it during normal rainfalls. But I was
12 wondering if it's actually coming off the
13 gutters/downspouts or whether it's just natural
14 runoff from the property which is even more
15 problematic and could become more impermeable.

16 MR. WATSON: The only thing I can
17 say is if you're experiencing erosion on your
18 side, I don't see a focal point where anything is
19 directed towards you. It looks like it's set up
20 right now for a sheet flow type of condition where
21 the water is not concentrated. And that's usually
22 where you get the runoff when you have a
23 concentrated flow. It may require a little bit of
24 maintenance on our client's side or it may require
25 a little maintenance on yours. From the contours

1 that I see on this, I can't pinpoint a problem
2 area. But these are grading plans produced for
3 the pool to show everybody how we're going to
4 handle the runoff. If you have an existing
5 problem, it may not show up on this.

6 MR. MELINO: No, I'm questioning
7 whether you're going to exacerbate the existing
8 situation. By the way, you had described the
9 swallowing of the topography that's going to exist
10 after you do the patio installation because then
11 it's going to focal more water down between our
12 two property lines into that area that I have
13 concern. And I'm probably 15- to 20-feet below
14 their property. So I'm on a hill actually below
15 them. So actually, there's a natural tendency for
16 water flow to come down, but because of the walls
17 along the greenery exists between our two
18 properties, I'm okay except for this interval here
19 that you see between these two walls. And it
20 flows because it's angled towards my property.

21 MR. HEHL: Well, again, we can offer
22 --

23 MR. WATSON: No, I understand your
24 concern but --

25 MR. HEHL: I was going to say,

1 Mr. Watson, we would commit to having our
2 engineers review this. And usually what you find
3 in these conditions, particularly, when there's
4 going to be oversight by the town engineer in
5 conjunction with our engineers would address that.
6 And we see the area that you're pointing to and if
7 it requires additional drainage or detention in
8 that area -- the applicants will be up next, but I
9 don't think they'll have any problem in addressing
10 that.

11 MR. MELINO: Yeah. I don't think
12 it's a difficult issue. But you can realize the
13 topography changed from the back which is 242 down
14 to 237 which is towards the front right at that,
15 basically, opening between the two walls. So it's
16 basically is a 5-foot drop.

17 MR. WATSON: Right. And I
18 understand. Just keep in mind though that as I
19 testified to prior, you're looking at a larger
20 area in the back that's being covered, but
21 509-square feet of that is going to be the pool
22 where nothing is going to run off.

23 MR. MELINO: I understand that
24 piece, but I'm concerned about the size of the
25 patio as runoff, which is going to be expanded.

1 MR. HEHL: As I say, Mr. Melino,
2 we're committed to look into that and have a
3 design to address those concerns.

4 MR. WATSON: Sorry about that.

5 MR. MELINO: No. No. It's fine. I
6 just wanted to bring it to your attention because
7 I didn't want an exacerbation of an already
8 existing condition. And if we can remediate that,
9 it's to everyone's benefit.

10 MR. WATSON: I agree, yeah.

11 MR. HEHL: Thank you.

12 MR. MELINO: No, thank you.

13 CHAIRMAN FUSARO: Thank you,
14 Mr. Melino. Anyone else from the audience have
15 any questions for Mr. Watson at this time? Please
16 raise your hand virtually and Mr. Sammet will
17 allow you into the meeting.

18 MR. SAMMET: I don't see anyone,
19 Mr. Chairman.

20 CHAIRMAN FUSARO: Thank you,
21 Mr. Sammet. Mr. Hehl, would you like to continue
22 perhaps with having your applicants --

23 MR. HEHL: Yes. And I see -- I
24 think they're together; Giuseppe and Lina.

25 MR. DIPIETRO: Yes. Hello.

1 MR. HEHL: You'll have to put your
2 camera on, though.

3 MR. DIPIETRO: Okay.

4 MS. FERRARO: Hi.

5 MR. DIPIETRO: Good evening.

6 CHAIRMAN FUSARO: Good evening. How
7 are you?

8 MR. DIPIETRO: Good. How are you?

9 CHAIRMAN FUSARO: Can you please --
10 - I'm sorry. Go ahead, Mr. Hehl.

11 MR. HEHL: I was going to say first
12 you're going to have to be sworn in. I'm assuming
13 we can do them together?

14 CHAIRMAN FUSARO: Yes. We'll do
15 them together. Please state your name and address
16 for the record.

17 MR. DIPIETRO: Giuseppe DiPietro,
18 300 Roanoke Road, Westfield, New Jersey.

19 MS. FERRARO: Lina Ferraro-DiPietro,
20 300 Roanoke Road, Westfield, New Jersey.

21 GIUSEPPE DIPIETRO and LINE FERRARO,
22 having been duly sworn, were examined and
23 testified as follows:

24 CHAIRMAN FUSARO: Please proceed,
25 Mr. Hehl.

1 MR. HEHL: And I think whomever -- I
2 was told that Giuseppe is going to take the lead
3 on this, but if he does anything wrong, I'm sure
4 Lina is going to hit him.

5 BY MR. HEHL:

6 Q. Mr. DiPietro, if you could just --
7 you've heard my opening statement -- if you could
8 give a little background on your life here in
9 Westfield and why you feel the addition of this
10 pool is important to you and your family?

11 A. Got it. Like Steve said, we have
12 multiple companies in town. Our family has been
13 here for many years. I've also been a resident in
14 Westfield for 25-years. And with Covid and
15 everything that went on, it obviously brought to
16 our attention that we needed a place for our
17 family to just be together and spend some time.
18 And being in Westfield, being in the restaurant
19 business, summertime is very busy, so we really
20 don't go away, we don't have a shore house.
21 Summertime we're usually -- I'm usually here
22 working, so it's important for us to have a place
23 where I can spend some time with my kids. I have
24 three children, and I'm down the street, and so
25 it's important for us to have that quality time

1 together. We're not looking to have pool parties
2 and 30 kids over. I'm just looking to come home
3 and hang out with the family and relax for a bit
4 either in between lunch and dinner at the
5 restaurant or on my day off. So again, having the
6 pool is important. We hired these professionals
7 and everyone to show us where we could put the
8 pool. And this is the only place where the pool
9 fits. So there's no other place we can put it.
10 And, you know, speaking with our neighbors,
11 whatever they need, we're more than willing to do
12 whatever we have to do to make it right. We don't
13 want any runoff on any of the neighbors or want
14 privacy. We want the privacy also. So we're here
15 to work with the community to make it fair and not
16 be an annoyance to anyone.

17 MR. HEHL: As you indicated, the
18 concerns of Mr. Melino and the increase of the
19 impervious coverage, you have no problem working
20 with your engineer and the town engineer to
21 provide any detention or direction of water flow?

22 A. Yeah. That's no problem.

23 Q. Great. And again, I think we did
24 talk about it based upon Mr. Sammet's report and
25 actually, practical purposes, this is the only

1 spot that this can go; correct?

2 A. Correct.

3 Q. There was a question before -- and I
4 know on our little text chat -- Chairman Fusaro
5 was looking at, in that picture, that was part of
6 a retaining wall; correct?

7 A. Right, yeah.

8 Q. I thought so.

9 A. There was also a question about a
10 drain back there. There is a large drain back
11 there right now in that area that you guys were
12 talking about. It's probably about 4-feet,
13 4-by-3-feet. It's big. And that goes down -- I
14 believe it ties into Lawrence Ave.

15 Q. But again, you'll work with your
16 engineers to make sure it's all functioning
17 properly?

18 A. Yeah. Correct.

19 Q. And you're otherwise committed to
20 all the improvements -- I know having been back
21 there, a beautifully landscaped yard with
22 substantial buffering -- all of that will be
23 maintained?

24 A. Correct.

25 Q. Great.

1 MR. HEHL: Mr. Chairman, I have no
2 further preliminary questions of Mr. DiPietro and
3 Mrs. Ferraro.

4 CHAIRMAN FUSARO: Thank you. I have
5 one quick question. You had mentioned,
6 Mr. DiPietro, that that existing inlet that's
7 shown on the plan, I'm assuming that's the one
8 that Mr. Watson was referring to previously that
9 on his plan is calling to be removed. Are we
10 talking about the same inlet or is there an
11 additional one?

12 MR. DIPIETRO: I'm not sure if
13 that's the same one. But if that's -- there is a
14 drain back there now. If that's the one we're
15 talking about, you'd have to ask him.

16 CHAIRMAN FUSARO: Let's assume
17 that's the same drain that we're talking about,
18 and if we assume what you testified is correct and
19 that drain is currently being piped out to
20 Lawrence Avenue. Mr. Watson, I'm assuming we can
21 possibly intercept that drain in the area that
22 Mr. Melino is concerned about, add an additional
23 lawn drain into that pipping which will alleviate
24 the sheet flow onto Mr. Melino's property, and
25 just put it back into that drainage pipe and

1 continue it out to Lawrence Avenue. Would you
2 agree that that would work?

3 MR. WATSON: Yeah, it would work.
4 We'd have to actually get a little input from
5 Mr. Melino to see if he knows if there's a
6 defined, a concentrated flow coming onto him.
7 Because that's where you have to pick up in the
8 inlet. If you have a sheet flow, an inlet is not
9 going to help.

10 CHAIRMAN FUSARO: Correct. They
11 must create a slight swale around that inlet in
12 that area between those two retaining walls.

13 MR. WATSON: Yeah. We can add
14 another inlet too if it goes through that area.

15 MR. DIPIETRO: Yeah. Whatever we
16 have to do to address that so it doesn't affect
17 that area or to fix whatever area is going on now,
18 absolutely, we'll be onboard and willing to do
19 that.

20 CHAIRMAN FUSARO: Thank you. And as
21 I had mentioned previously, and I believe
22 Mr. Watson had also mentioned, as I'm sure several
23 other Board Members will chime in shortly, we're
24 always concerned about overages in coverage. I'm
25 assuming that if we were to request that a portion

1 of the patio around the pool be removed, for
2 example, the area that Mr. Watson suggested along
3 the rear of the pool area furthest from the home,
4 you would be willing to shrink that area down
5 somewhat?

6 MR. DIPIETRO: Correct.

7 MS. FERRARO: Can you show us what
8 that is again? Where that is?

9 CHAIRMAN FUSARO: If look at
10 Mr. Watson's plan, okay, Mr. Watson if you take
11 that corner where the cursor currently is and you
12 draw a straight line all the way down alongside
13 the pool connected to that 3-foot dimension there.
14 You'd basically be eliminating that rear portion
15 of the patio. So you'd have a walkway around the
16 pool. Your seating area would now remain in the
17 12-foot section across the top and in the area
18 along the home.

19 MS. FERRARO: Okay. I'm just trying
20 to visualize that. So then we wouldn't put chairs
21 on that side; is that correct?

22 CHAIRMAN FUSARO: Correct. You
23 could put chairs, but they'd be on the lawn.

24 MS. FERRARO: So it would be 3-feet
25 then around the pool --

1 CHAIRMAN FUSARO: Correct.

2 MS. FERRARO: -- on that side?

3 MR. WATSON: Yeah. Along this side
4 here would all be 3-feet.

5 MS. FERRARO: And how much is it
6 now?

7 CHAIRMAN FUSARO: It's 11 at the
8 widest point.

9 MS. FERRARO: Okay. We could figure
10 that out.

11 MR. DIPIETRO: We can figure that
12 out. It's no problem.

13 CHAIRMAN FUSARO: Yeah, so you
14 basically would have a walkway around the pool
15 instead of a seating area there. And in my rough
16 calculations, you'd be eliminating, give-or-take,
17 just under 200-square feet. So since we've over
18 600 now, that puts you around 400 over. So we're
19 getting closer.

20 MS. FERRARO: Okay.

21 MR. DIPIETRO: That's fine.

22 CHAIRMAN FUSARO: I don't have any
23 other questions for the applicants. Do any Board
24 Members have any questions for the applicants at
25 this time? I'm seeing none. We will thank

1 Mr. DiPietro and Ms. Ferraro for their testimony,
2 and move on. Actually, before I do that, is there
3 anyone from the public that would like to address
4 the applicants at this time? Please raise your
5 hand virtually and Mr. Sammet will let you into
6 the meeting.

7 MR. SAMMET: We have someone who is
8 coming up as "Zoom User" so I need to ask their
9 name.

10 MR. NATHANSON: Am I unmuted?

11 MR. SAMMET: Yes, we can hear you,
12 sir.

13 MR. NATHANSON: Hi. My name is
14 David Nathanson. I'm their backdoor neighbor.

15 CHAIRMAN FUSARO: Please state your
16 name and address for the record.

17 MR. NATHANSON: My name is
18 David Nathanson. I live at 1 Breeze Knoll Drive.

19 CHAIRMAN FUSARO: Mr. Nathanson. I
20 recognize that you had appeared before us a couple
21 of months ago.

22 MR. NATHANSON: I did.

23 CHAIRMAN FUSARO: Please raise your
24 hand.

25 DAVID NATHANSON, having been duly

1 sworn, was examined and testified as follows:

2 CHAIRMAN FUSARO: Please proceed,
3 Mr. Nathanson.

4 MR. NATHANSON: All I'd like to say
5 is that I know the Ferraros for a long time in
6 town. I grew up here myself, so I don't have to
7 talk about what they've been as an asset to our
8 community, but more importantly, as a neighbor,
9 the DiPietros have been great. In the past,
10 anytime they've had any parties or whatever,
11 they've always been respectful. They're great
12 neighbors. And being in a 24-hour/7-days-a-week
13 business myself and having young kids, there's
14 nothing better than having time with your family
15 in your own oasis because you don't get to go away
16 much. So as a person, as a neighbor and someone
17 that endures the type of lifestyle that he has
18 working as much as we do, I think the pool will be
19 great for them and their family. Especially
20 during these times in the world we live in, it's
21 very important and special.

22 CHAIRMAN FUSARO: I appreciate your
23 time and your comments. Thank you so much.

24 MR. DIPIETRO: Thank you.

25 CHAIRMAN FUSARO: Have a good

1 evening. Anyone else, Mr. Sammet?

2 MR. SAMMET: We have Mr. Reid. Mr.
3 Reid, we should be able to hear you now.

4 MR. REID: Yes. Hi. How are you?
5 I just wanted to give the support --

6 CHAIRMAN FUSARO: I'm sorry. Hold
7 on. Please state your name and address for the
8 record.

9 MR. REID: Andrew Reid, 960 Lawrence
10 Avenue.

11 ANDREW REID, having been duly sworn,
12 was examined and testified as follows:

13 MR. REID: I just wanted to give
14 them our support for their application for a
15 variance.

16 CHAIRMAN FUSARO: Thank you,
17 Mr. Reid. And you're located on Lawrence Avenue
18 across the street?

19 MR. REID: South side of them on the
20 other side of Mr. Melino.

21 CHAIRMAN FUSARO: Thank you so much.
22 We appreciate your comment and your support of the
23 application. Thank you.

24 MR. SAMMET: We also have Mike Wyse.
25 Mr. Wyse, we should be able to hear you.

1 MR. WYSE: Yes. Can you hear me?

2 CHAIRMAN FUSARO: Yes, we can hear
3 you. Mr. Wyse, please state your name and address
4 for the record.

5 MR. WYSE: Michael Wyse, 945
6 Lawrence Ave.

7 MICHAEL WYSE, having been duly
8 sworn, was examined and testified as follows:

9 CHAIRMAN FUSARO: Please proceed,
10 Mr. Wyse.

11 MR. WYSE: Like Mr. Reid, I live
12 across the street from Mr. Reid. My wife Marie
13 and I both fully support the application for
14 variance for both Giuseppe and Line.

15 CHAIRMAN FUSARO: Thank you so much.
16 We appreciate your time.

17 MR. WYSE: Thank you.

18 CHAIRMAN FUSARO: Mr. Sammet, anyone
19 else?

20 MR. SAMMET: Yes. We have a
21 Mr. David Barbosa. Mr. Barbosa, we should be able
22 to hear you now.

23 CHAIRMAN FUSARO: You're on mute,
24 Mr. Barbosa. There we go.

25 MS. BARBOSA: It's actually

1 Mrs. Barbosa. How are you?

2 MR. BARBOSA: David and Lorena
3 Barbosa, 305 Roanoke Road, Westfield.

4 DAVID BARBOSA and LORENA BARBOSA,
5 having been duly sworn, were examined and
6 testified as follows:

7 CHAIRMAN FUSARO: Please proceed,
8 Mr. and Mrs. Barbosa.

9 MS. BARBOSA: Hi. So we live around
10 the corner from the DiPietros and we did something
11 similar here at our house about five years ago.
12 Also, a similar situation. We own David Realty
13 Group here in town, so as you all know, real
14 estate is seven days a week, just the like the
15 restaurant business, and we were not finding time
16 as a family to spend together. Actually, we would
17 make it to some of the town pools, but as soon as
18 we'd get there, we'd have to leave because we had
19 to come home and negotiate offers. So we got to
20 the point where we said we need to have something
21 where we can spend time with our family. So it's
22 going to be a lot of fun. I hope you have many
23 happy memories with your family and good luck.

24 MR. BARBOSA: And we're in full
25 support. They're great neighbors. We're in full

1 support of it.

2 CHAIRMAN FUSARO: Thank you. Have a
3 good evening. Anyone else, Mr. Sammet?

4 MR. SAMMET: No. I see no one else,
5 Mr. Chair.

6 CHAIRMAN FUSARO: Thank you so much.
7 We're going to close that portion of the meeting.
8 Do any Board Members have any questions for
9 Mr. DiPietro and Ms. Ferraro?

10 MS. RAZIN: Can I just ask a quick
11 clarification? If the variance and the
12 application is approved that Mr. Hehl and
13 Mr. Watson just confirm off the line with me the
14 exact variance for coverage that would then be
15 required? Understanding that it's, approximately
16 in the (indiscernible) you know, that it's
17 approximate, but if somebody could just reach out
18 to me following the meeting to confirm that.

19 MR. HEHL: No problem. I'll get the
20 permit and give you a shout-out tomorrow.

21 MS. RAZIN: Thank you. I appreciate
22 it.

23 MR. HEHL: No, thank you.

24 CHAIRMAN FUSARO: Mr. Hehl, anything
25 else you'd like to add at this time?

1 MR. HEHL: We have no further
2 witnesses. I think the public has spoken already.
3 Just very briefly, again, this is a unique
4 situation with the pool with a 15-foot rear yard,
5 I think the location is well-sited. We do meet
6 all the setback criteria for the pool, so it's
7 generally just the location. As far as the
8 coverage variance, again, we meet the overall
9 coverage as far as the percentage below the 40%
10 and with the commitment of the applicant to remove
11 that area, and we'll certainly confirm the amount
12 of that reduction, that we feel that both the
13 variance for the location of the pool and the
14 slight increase in impervious coverage has been
15 granted. And, as always, truly appreciate the
16 time and effort this Board puts into these
17 applications and your Board professionals,
18 particularly, Mr. Sammet. We appreciate your
19 time.

20 CHAIRMAN FUSARO: Thank you,
21 Mr. Hehl. If there are no other questions for
22 Mr. Watson or the applicants of Mr. Hehl, we'll
23 close that portion of the meeting and open up to
24 Board discussion.

25 MS. MOLNAR: I'm sorry. I had one

1 question for Mr. Watson. The schedule of general
2 requirements that's in our application, could you
3 amend that to show, to reflect the variance that
4 you need in the 12.04G? It says "no variance" but
5 you do need a variance for 12.04G.

6 MR. WATSON: Sure. Not a problem.
7 We'll take care of that.

8 MS. MOLNAR: Okay. Thank you.

9 CHAIRMAN FUSARO: As I said, we'll
10 open it up to -- close it to public comments and
11 so on and open it up to Board discussion. As you
12 heard from the applicants, from their
13 professionals, from some of their neighbors.
14 Everyone seems to be in favor of the application.
15 As I mentioned, I would like to see the area
16 reduced somewhat. The applicants have agreed to
17 reduce that one portion of the patio currently
18 shown on the plan which is going to be reduced by,
19 approximately, 200-square feet. Mr. Watson will
20 calculate the exact square footage and provide it
21 to our Board attorney and to Mr. Hehl, so if the
22 application is approved, it will be reflected in
23 the resolution. I don't have any additional
24 comments -- well, I take that back. One thing
25 that I would suggest as I mentioned earlier is

1 since Mr. Melino is concerned about the runoff and
2 there is quite a steep grade change between the
3 current property and Mr. Melino's property, so
4 perhaps working with adding a condition that the
5 applicants do work with our engineering
6 department. Mr. Hehl has already agreed to that
7 as have the applicant. And my suggestion of
8 possibly adding an inlet or a yard drain.
9 Probably an inlet would be better in that area
10 between the two existing retaining walls to pick
11 up some of that runoff which will hopefully
12 alleviate the problem that Mr. Melino is having
13 during heavy rainfall. It would certainly help
14 it. Other than that, my only other question was I
15 think that we have not really addressed -- nor do
16 I know whether we need to address it or not -- is
17 that 7-foot high retaining wall. But since we
18 don't know if it was there prior to this home
19 being even built, I honestly don't know, I guess
20 we'll kind of leave that at bay.

21 MR. MASCIALE: I don't have an issue
22 with it, Frank, based on the change in elevation
23 in that area is so close to it. It's really not
24 sticking out in my mind that far because the
25 elevation is changing so much, and you know, I

1 think it was built there for a purpose. And it's
2 not really that much area, the 7-feet. It quickly
3 slopes down. Plus, I think it was built that way
4 for a purpose and serves a purpose.

5 CHAIRMAN FUSARO: Okay. That's
6 fine. Any other --

7 MS. HROBLAK: Frank, the retaining
8 walls above 4-feet are usually considered needing
9 engineering design. So that's really in my mind
10 the biggest concern with going above 4-feet. I'm
11 not sure what the purpose of the variance -- maybe
12 so it gets reviewed. But on most municipalities
13 above 4-feet, you've got to get engineering --

14 MR. MASCIALE: Yeah. I think you're
15 right, Allyson. Where I've seen it, people use it
16 as kind of a buffer or a shielding; almost like a
17 fence.

18 MS. HROBLAK: But when they exceed a
19 certain height, the earth pressures gets high and
20 you need to have reinforcement and proper drainage
21 and back fill. So that's usually where the 4-foot
22 kicks in. I'm not sure if Don can speak to the
23 4-foot in our town.

24 CHAIRMAN FUSARO: It looks like it's
25 a driveway retaining wall, not a poured concrete

1 one. I'm sure it was engineered at some point
2 prior to it being put in.

3 MS. MOLNAR: Frank, would you
4 explain to me what an inlet is?

5 CHAIRMAN FUSARO: An inlet,
6 basically, is similar to what you would see along
7 a street, however, it's generally smaller when
8 it's on a property. The inlet can be -- depending
9 on how much water it needs to collect -- it could
10 be a 2-by-2 inlet, a 3-by-3 inlet. Whatever the
11 engineers feel is appropriate for that area it
12 would have a grate, and it would actually have a
13 structure underneath so the grading would allow
14 the water to go into a precast concrete structure
15 underneath, which would be piped out to Lawrence
16 Avenue. Versus a lawn drain, which is basically
17 or generally, I should say, about 12-inch by
18 12-inch, usually polyethylene plastic-type drain
19 which is just connected to a pipe, and again, that
20 too would be piped out. I would leave it to the
21 engineers to decide whether an inlet or lawn drain
22 is required and the size of it since it's really
23 not in our purview.

24 MS. MOLNAR: Thank you for the
25 explanation.

1 CHAIRMAN FUSARO: When else do we've
2 here. Any other Board Members have any comments
3 about the application? Concerns? Questions?

4 MS. HROBLAK: I actually would make
5 a condition, Frank, that once that inlet is
6 removed that any associated piping be capped and
7 not utilized. Because if it's piped out to
8 Lawrence Avenue, it's just adding to Lawrence
9 Avenue. I don't think it's a proper solution when
10 it comes to the swale over there. If they need to
11 address stormwater, I mean, there's far more
12 stormwater coming off their roof and they had
13 offered to put in a small amount of detention. If
14 they were to pick up some of the roof runoff it
15 would probably improve conditions far greater than
16 trying to squeeze a swale between those two
17 retaining walls. Extend that swale; I should say.

18 CHAIRMAN FUSARO: From listening to
19 the testimony, I don't believe that Mr. Watson was
20 able to tell us where the roof drains or
21 downspouts are currently drained. They may be
22 drained underground into that pipe that does go
23 out to Lawrence. I don't think we know that.

24 MS. HROBLAK: I thought we heard
25 testimony. Someone said it went out to Lawrence.

1 CHAIRMAN FUSARO: Yeah. The
2 applicants had said it went out to Lawrence.

3 MR. DIPIETRO: I'm not one-hundred
4 percent sure, but I think it does.

5 CHAIRMAN FUSARO: We don't know
6 what's connected to it, Allyson. Whether it's
7 just the inlet or whether the downspouts are also
8 connected to it. I think we'll just leave that to
9 engineers and put a condition in there that the
10 drainage be confirmed with the applicant's
11 engineers and our engineering department, and I
12 think that would suffice. The only other
13 condition the Board might want to consider is that
14 the arborvitaes along the property be maintained.
15 And I just happened to -- I was about to say that
16 I don't have any other comments -- and looking at
17 the photograph in our package; if the Board can
18 kindly take a look at their package. The first
19 page, the photograph on the first page, the lower
20 portion of it where there is an emergency
21 generator and a red brick sidewalk leading to the
22 driveway area has an open 4-feet high fence. It
23 looks like there is an arched type to it, an
24 arbor. I think we may want to reopen a portion of
25 the meeting to either ask the applicants and/or

1 the engineer if that's going to be converted to a
2 6-foot high fence, which I believe is required.
3 Actually, hold on. Let me see. I take that back.
4 It looks like they're going to put a 6-foot high
5 fence across that area so that would not come into
6 play. I answered my own question.

7 Anyone else have any other comments
8 questions, concerns? I see none. Do I have a
9 motion? Anyone?

10 MS. MOLNAR: I'll move it be
11 accepted with the condition that the drainage be
12 confirmed with the applicant's engineer and our
13 engineering department, and the condition that the
14 arborvitaes be maintained.

15 CHAIRMAN FUSARO: A motion was made
16 by Ms. Molnar. Do we have a second?

17 MS. HROBLAK: Did you want to add a
18 condition to that with the reduction of the
19 200-square feet?

20 MS. MOLNAR: Yes, the patio.

21 MS. HROBLAK: On the east side of
22 the pool.

23 MS. MOLNAR: With a condition that
24 the patio be 3-feet along the wall there.

25 CHAIRMAN FUSARO: Yes. The patio

1 along the rear of the pool shall be no wider than
2 3-feet.

3 MS. HROBLAK: I second.

4 CHAIRMAN FUSARO: Second by
5 Ms. Hroblak. Mr. Sammet, please call the roll.

6 MR. SAMMET: Chair Fusaro.

7 CHAIRMAN FUSARO: Yes.

8 MR. SAMMET: Ms. Hroblak.

9 MS. HROBLAK: Yes.

10 MR. SAMMET: Mr. Masciale.

11 MR. MASCIALE: Yes.

12 MR. SAMMET: Ms. Molnar.

13 MS. MOLNAR: Yes.

14 MR. SAMMET: Ms. Pavon.

15 MS. PAVON: Yes.

16 MR. SAMMET: Mr. Sontz.

17 MR. SONTZ: Yes.

18 MR. SAMMET: Mr. Gelinas.

19 MR. GELINAS: Yes.

20 MR. SAMMET: Mr. Reisen.

21 MR. REISEN: Yes.

22 CHAIRMAN FUSARO: The application is
23 approved. Good luck. Thank you and enjoy the
24 rest of your evening.

25 MR. HEHL: Great, thank you. It's

1 great to see everyone and see you all soon.

2 MS. FERRARO: Thank you.

3 CHAIRMAN FUSARO: You're welcome.

4 Seeing that it's 10:08, we're going to take a
5 quick break, a 10-minute break. If we can keep it
6 down between 5 and 10 minutes, that would be
7 great. And when we return, we'll address the rest
8 of the applications on the agenda. We'll try to
9 get through as many as we can. So please everyone
10 turn off your video and/or your mics during the
11 break. Thank you.

12 (Break taken.)

13 CHAIRMAN FUSARO: As I had mentioned
14 earlier, we had a lengthy agenda this evening, it
15 looks like at this point in time, we're going to
16 carry Ms. Stankiewicz, 920 Cranford Avenue;
17 Mr. Bartolucci, 4 Tamaques Way; and Mr. Laczynski,
18 857 Highland Avenue to our April meeting. I
19 believe the April meeting is the 11th if I'm not
20 mistaken, Mr. Sammet?

21 MR. SAMMET: That's correct because
22 the Planning Board is the 4th. Mr. Chair, it
23 looks like Mr. Laczynski would like to say
24 something. I had to shut of the chat. The chat
25 function shouldn't have been enabled.

1 CHAIRMAN FUSARO: Sure. The other
2 applicants that I mentioned, will be carried to
3 the April 11th meeting without further notice. I
4 apologize.

5 MR. SAMMET: Mr. Chair, we should,
6 if it wasn't stated already, that the meeting will
7 be in-person in Town Hall at 425 East Broad Street
8 in the Council Chambers starting at 7:30.

9 CHAIRMAN FUSARO: Thank you,
10 Mr. Sammet. I did mention that at the beginning
11 of the meeting.

12 MR. SAMMET: You did.

13 CHAIRMAN FUSARO: For those
14 applicants who were not present at the beginning
15 of the meeting, this will be our last Zoom
16 meeting, and the following meetings will be held
17 at Town Hall starting at 7:30 on April the 11th.
18 Again, my apologies. We'll do the best we can to
19 get through the next two applications this
20 evening. And Mr. Sammet, you said that --

21 MR. SAMMET: Mr. Laczynski has
22 raised his hand. I know he had reached through
23 the chat, which shouldn't have been enabled, so I
24 had to shut it off.

25 CHAIRMAN FUSARO: Okay. No problem.

1 Do you want to let him in? Go ahead.

2 MR. SAMMET: Sure. Mr. Laczynski,
3 we should be able to hear you now.

4 MR. LACZYNSKI: Hi there. Thank you
5 so much for listening to me. I understand it's a
6 long night and I appreciate you guys. I just have
7 a trip -- I'm wondering, for next month's meeting,
8 if my architect is in-person, is there
9 accommodation where my wife and I can come in via
10 remote somehow and still provide our testimony so
11 we can keep it on the schedule? Zoom or whatever.

12 CHAIRMAN FUSARO: I don't believe we
13 have those capabilities just yet. I know the town
14 is working on that. But we do not as of right
15 now. Sorry.

16 MR. LACZYNSKI: You don't have a
17 laptop in front of you guys or something like
18 that? We couldn't get any accommodation?

19 CHAIRMAN FUSARO: We don't have --
20 the meetings are either Zoom or in-person, not any
21 hybrid thereof because if we did that, then --
22 First of all, I don't think council chamber is set
23 up for that, Number 1. Number 2, we would have to
24 have a laptop there that the entire Board would
25 have to look at one particular laptop and we're

1 all sitting on a big dais.

2 MR. LACZYNSKI: I understand.

3 CHAIRMAN FUSARO: I know there are
4 plans in the future for that type of technology to
5 be enabled. It's just not been done as of yet. I
6 apologize.

7 MR. LACZYNSKI: That's during the
8 Westfield spring break. So you know it's kind of
9 a family vacation time. And you know it would be
10 nice to maybe just continue with Zoom meetings
11 next month or something for all the people that
12 are probably postponed here.

13 CHAIRMAN FUSARO: Unfortunately, we
14 can't do that because the notices have already
15 been sent out.

16 MR. LACZYNSKI: Got it.

17 CHAIRMAN FUSARO: We can't do that,
18 I apologize. Let the board secretary know whether
19 you will or will not be attending. It's really
20 not a problem. I fully understand.

21 MR. LACZYNSKI: I'll be there. I
22 have to cancel my vacation, but I'll do it.

23 CHAIRMAN FUSARO: That's your
24 prerogative, but if decide to go on vacation,
25 you'll certainly be put on our May agenda.

1 MR. LACZYNSKI: I'll plan to be
2 available. Thank you so much for your
3 consideration.

4 CHAIRMAN FUSARO: Let's continue.
5 The next application is 800 Hillside Avenue,
6 Christopher and Natalie Licini. Applicant is
7 seeking approval to construct a new family
8 room/photography studio with bathroom and
9 staircase to new basement area as well a new
10 covered terrace off the existing living room with
11 a walkout balcony from the second-floor master
12 bedroom contrary to the following sections of the
13 Westfield Land Use Ordinance: Section 12.04F
14 where building coverage permitted is 15% or
15 4,000-square feet, and proposed is 17.3% or
16 4,146-square feet.

17 MR. SAMMET: Good evening,
18 Mr. Blasi. Is your client here with you?

19 MR. BLASI: Yes, they are.

20 MR. SAMMET: Okay. I'm looking for
21 their name in the list of attendees. I see. Here
22 we go. They have a number code today.

23 CHAIRMAN FUSARO: 786 -- there we go
24 -- 786333. Got it. Mr. Blasi, I know you've
25 appeared before the Board this year. So unless

1 the Board has any questions, comments, or
2 concerns, we'll continue to recognize you as an
3 expert in the field of architecture. Please
4 proceed.

5 MR. BLASI: So I'd like to start
6 with a little context to the site first. So I'm
7 going to go to the aerial view that's in your
8 packets that you've received in the variance
9 hearing package. And that, basically, this image,
10 the aerial view, shows Mountain Avenue and shows
11 Mountain View Circle, and then this road back here
12 is a private driveway which is Priscilla Lane.
13 What I'm looking to show everyone is the size of
14 the property where the house sits. Inside, this
15 right here is paving. This is the existing house
16 right in here, 1929/30 house sitting on this
17 corner that has side front yard and this area is
18 predominantly open. I'm going to show the
19 addition is being proposed in this area right here
20 where I'm moving.

21 CHAIRMAN FUSARO: Mr. Blasi, excuse
22 one second. I did forget to swear you in. I
23 apologize. If you could please raise your right
24 hand.

25 GREGORY BLASI, having been duly

1 sworn, was examined and testified as follows:

2 CHAIRMAN FUSARO: Thank you.

3 MR. BLASI: This is the area where
4 the addition will be proposed. I'll stop sharing
5 that and go to the existing front yard. The
6 existing front facade of the house; to give you
7 some context as to what the existing house looks
8 like. Existing 1930s Tudor. It has a wood-shake
9 roof and it has board timber and plastic. A brick
10 entry. It still has that classic look of the
11 original house in scale and proportion. This here
12 is the existing rear of the building. So the
13 addition is being added to the house right on the
14 left side, the left-right side.

15 CHAIRMAN FUSARO: We don't see the
16 photograph, Mr. Blasi.

17 MR. BLASI: I'm sorry?

18 CHAIRMAN FUSARO: Your screen is not
19 being shared if that's what you're trying to do.
20 We have the photographs in our packet.

21 MR. BLASI: I'm trying to get them
22 so everyone can see them. Why won't this share?
23 My apologies. I cannot find it, so I'm going to
24 move on.

25 CHAIRMAN FUSARO: We have the

1 photographs in front of us.

2 MR. BLASI: Okay. So you can see
3 with the photographs in front of you the rear yard
4 that no addition has been added to it. And it
5 has, it's pretty flat along the rear side. The
6 addition is going to be proposed on the left side
7 of the yard. And on the right side, there will be
8 the covered porch. So what I wanted to
9 demonstrate with that photograph is that the
10 addition will show some relief from the flat
11 facade of the existing where these homes in the
12 30s had beautiful crenulation and movement on the
13 front facades, but plainer rear facades.

14 I will now share the site plan.
15 Looking at the site plan; Hillside Avenue,
16 Mountain View. This is the existing house. This
17 area right here is the proposed covered porch and
18 this area right here is the proposed addition,
19 which is basically a family room, studio, powder
20 room. I want to look at the zoning chart to
21 demonstrate that no setbacks -- there's no relief
22 for setbacks. There's no relief for impervious
23 coverage which is at 20%, proposed allowable 30%.
24 No relief for floor area ratio at 23% to 25%. The
25 variance is building coverage, which you've

1 already stated allowable 15 which is proposed at
2 17.23. The addition is again located on the left
3 side of the rear which is against, adjacent to
4 this rear lane. This lane provides access to the
5 rear to the houses that are on Priscilla Lane and
6 facing the adjacent street rear yard. So the
7 views of this addition are seen from the rear yard
8 of these adjacent properties, not side or front
9 yard. I'd like to go to the first floor. You can
10 see on the first floor the existing house has an
11 entry, an existing formal living room, and then
12 there's a kitchen, office, dining room, sunroom,
13 existing garage. So what's being proposed is a
14 powder room, a storage area adjacent to the
15 garage, and a new family room and studio with
16 windows, fireplace, and furniture. And also being
17 proposed is this new covered porch. All open
18 covered porch area.

19 As for the second floor, the second
20 floor, the addition is a one-and-a-half story. So
21 this is showing the roof below. This is showing
22 the balcony of the proposed covered porch, and an
23 area, an existing bathroom that is being altered.
24 But the addition is here. This is the roof to the
25 addition and the balcony. As for the next sheet,

1 which is SD-04 Elevations in your packet. I'll
2 start with (1) Rear Elevation. This is showing
3 the rear of the addition. At the end
4 one-and-a-half stories of windows, a stucco facade
5 to match the existing materials of the building.
6 This detail that you see is the side of this door,
7 this door and transoms that are facing the rear
8 yard. Towards the right on the other side is the
9 new covered porch. This wood guardrail will match
10 the existing wood details on the house and some of
11 the gable ends. A mixture of wavy-wood detail,
12 Tudoresque detail with stucco, Tudor posts down
13 below and creating two new French doors to go into
14 the existing living room, and these are balcony
15 doors that are coming out from the master bedroom.

16 From the side, or actually from the
17 Mountain View circle view this is the side of this
18 pushed out one-and-a-half-story dormer. This is
19 the facade facing you which has windows into the
20 family room and door and transoms above that let
21 in the natural light. Light for art, light for
22 photography, light for the family. It serves both
23 purposes of bringing in natural light but matching
24 the Tudoresque style and window detail and facade
25 ornamentation. This is the private driveway side

1 which will have -- we're proposing a new garage
2 door and new windows that are transoms with insets
3 and stucco with bluestone sills to imply taller
4 windows but will be letting in natural light
5 through the transoms above, a decorative fireplace
6 with fireplace caps that match the existing
7 fireplace caps of the existing house, and then the
8 end dormer, and bay window, I should say bay
9 window.

10 These are the facades and plans.
11 Again, I'd like to make one comment. The comments
12 that I'd like to talk about is first thanking Don
13 for putting the report together, the detailed
14 report. I'm going to discuss C-2, flexible
15 benefits, and negatives for a C-2 Variance. The
16 items that I have is while allowing this beautiful
17 home to remain, the family may gain typical living
18 spaces that most homes in the neighborhood have.
19 This would entail a powder room, storage adjacent
20 to the garage. This will also allow for a family
21 room which the house does not currently have. The
22 property is not being demoed to provide two lots.
23 It's allowing this existing 1930s home to remain.
24 Two new homes would irrevocably change the density
25 of this site. As stated in the report, if two

1 homes were built, a total of 4,811-square feet
2 would be allowable, and what is being proposed
3 right now is 4,146-feet. I'd also like to say
4 that the addition, the house is two-and-a-half
5 stories, the addition that is being proposed is
6 one-and-a-half stories. The existing
7 nonconforming side yard setback is not being
8 increased. The proposed addition is well within
9 setbacks. The addition is being located, again,
10 on a private driveway not affecting the adjacent
11 properties only within a rear yard, which would
12 have Priscilla Lane between the houses anyway as
13 additional buffer after the rear yard. The
14 existing lot has an open yard as you've seen
15 through the aerial view. And by placing the
16 addition on this side of the private lane, this
17 area from Mountain View will still pretty much
18 remain open. I'm not changing the character of
19 the yard as much as an addition either in the
20 center or the right side of the house would be.
21 So other comments; the setbacks we've already
22 discussed. There're no variances for setbacks,
23 lot coverage or FAR. The existing living room I'd
24 like to say is 26-by-17. So this room is bigger,
25 but it's 3-feet longer which is purely a

1 requirement for technical use for photography.
2 Mrs. Licini will speak more about what she does.
3 But visiting the house, there's artwork,
4 photography, sculptures, there're easels. I've
5 heard through conversation educating of the
6 children, and it's a beautiful environment inside
7 the house that this space will use, as well as her
8 family room, but I'll let her speak to that. The
9 addition is 537-square feet over, 309 of that
10 square feet is the covered porch which is open
11 space. I'd just like to remark that the 309 and
12 the 537 is the open covered porch leaving
13 228-square feet of basically addition.

14 So I will open up to any questions
15 that you might have for me.

16 CHAIRMAN FUSARO: Thank you,
17 Mr. Blasi. A couple of quick questions that I
18 have and then we'll ask the Board if they have any
19 questions for you. First, an obvious question.
20 Some of the paperwork that we have, some of the
21 plans show a pool. I'm assuming that there is no
22 pool in the backyard.

23 MR. BLASI: Correct. If we go to
24 the site plan, the site plan was changed and the
25 revision bubble was placed on the site plan to

1 clearly indicate there is no pool being proposed.

2 CHAIRMAN FUSARO: Great. Thank you.

3 The other question I had -- and I'm not sure if
4 you can answer this or perhaps the applicants
5 might shed a little light. This particular
6 project, it appears from the site plan is on two
7 separate lots, Lot 15 and Lot 16; is that correct?

8 MR. BLASI: I'm looking at the
9 survey. I'm looking at the block and lots. But
10 I'm going to turn that question over to the
11 clients.

12 CHAIRMAN FUSARO: Because I have
13 some -- and when we get to them I'll ask them that
14 question. Because there's part of -- it looks
15 like some sort of a part of Lot 15 may have been
16 an easement or a piece that was added. The reason
17 I bring it up and my concern is in the future if
18 these two lots, which they are two conforming lots
19 if they were to be developed individually how that
20 would affect this particular project. So that's
21 why I brought it up. We'll wait to hear from the
22 applicants about that. The overage, the way I see
23 it, the 15% versus 17.23 is about 15% over. As
24 you mentioned, a portion of that is the open
25 covered porch, which, if the application were to

1 be approved, I would certainly suggest that a
2 condition be placed on that that it remains open
3 on -- I guess, normally, we say three sides, but
4 since two of them abut the house, it would be two
5 sides. I don't have any other questions at this
6 time for Mr. Blasi. Do any Board Members have any
7 questions?

8 MS. MOLNAR: Yes, I have a question.
9 What does the addition do to the runoff and
10 drainage on the property?

11 MR. BLASI: I'm going to -- first of
12 all, may I just ask the Board; are you currently
13 looking at the site plan?

14 CHAIRMAN FUSARO: Yes.

15 MR. BLASI: Okay. Thank you. I'm
16 not an engineer. Typically, the engineering would
17 have to be done to confirm that any additional
18 rainwater that would be added would be either
19 retained or able to runoff. My one comment I
20 would say from an architect's point of view; if
21 look at the maximum improvements of the coverage,
22 the lot coverage is well under the allowable lot
23 coverage. Again, I would leave that to
24 engineering through Don and town engineering along
25 with the final design for water retention.

1 MS. MOLNAR: Thank you.

2 CHAIRMAN FUSARO: Mr. Blasi, one
3 other quick question. On the site plan, there's
4 that area just to the left of the addition and to
5 the left of the existing concrete patio there, it
6 says "macadam." Could you elaborate on that a
7 little bit? Right there. Yes, correct.

8 MR. BLASI: That is their existing
9 driveway. It's basically their apron from
10 Pricilla Lane into their garage. That is existing
11 asphalt, macadam.

12 CHAIRMAN FUSARO: Thank you. Any
13 other Board Members have any questions for
14 Mr. Blasi at this time? Seeing none, why don't
15 you the applicants in and we'll hear some
16 testimony from them, and then we'll open it up to
17 some additional questions. Mr. and Mrs. Licini.

18 MS. LICINI: Hi. How are you?

19 CHAIRMAN FUSARO: Hi. How are you?
20 Can you please state your name and address for the
21 record?

22 MS. LICINI: Natalie and
23 Christopher Licini, 800 Hillside Avenue,
24 Westfield, New Jersey 07090.

25 CHAIRMAN FUSARO: Please raise your

1 right hand, as you're doing already. You've been
2 listening tonight I see. Thank you.

3 CHRISTOPHER and NATALIE LICINI,
4 having been duly sworn, were examined and
5 testified as follows:

6 CHAIRMAN FUSARO: Thank you and
7 please proceed.

8 MS. LICINI: My husband and I moved
9 here about four years ago from New York with our
10 three kids and we have really loved living here
11 even through Covid. We love our neighborhood and
12 we love our home. We don't have a family room, so
13 we were hoping that you might consider allowing
14 this addition to the home that we really love. We
15 don't want to move. But with spending so much
16 time at home with our three young kids, we need a
17 little more space to put them in different rooms.
18 And I, myself, I'm an artist. I paint, I'm an oil
19 painter and I'm a photographer. So being able to
20 do some things at home would really be great; with
21 limited childcare and everything that we're kind
22 of transitioning through. When we were creating
23 the family room space, we did design it with a lot
24 of natural light for paint and for photography.
25 So the interior wall, windows, and doors sort of

1 faces north which really fits our needs. And we
2 would be grateful if you would consider our
3 project.

4 CHAIRMAN FUSARO: Thank you. The
5 question I had asked previously that Mr. Blasi had
6 said that you could possibly elaborate on; could
7 you explain to us a little about the lot
8 configuration. Lot 14 is obviously next to your
9 property, and then it would appear that there's a
10 part of Lot 15 according to the site plan, or two
11 parts of Lot 15 and then Lot 16. So I'm assuming
12 that the property at some point has already been
13 subdivided or there's a subdivision that was
14 already approved for the property. Can you
15 elaborate on that a little bit?

16 MR. LICINI: Hi. This is
17 Mr. Licini, Chris. That's not something that we
18 asked for, so that was here before we were the
19 owners if it was asked for a subdivision. And our
20 project here, you know, we don't want to subdivide
21 the property. We don't want to sell it and make
22 two different homes that don't match the
23 neighborhood. We just want to increase the size
24 and match the look and feel. Like we like that
25 this is a 1929 Tudor. We're the people that --

1 actually, we were the target audience for this.
2 And, yes, I know we will be going over the second
3 lot and it's because we don't mind. We don't have
4 intentions of splitting the lot and selling it and
5 having two builders come in and build two houses.
6 We want our kids to grow up here.

7 CHAIRMAN FUSARO: Thank you. Your
8 testimony is that you have absolutely, at this
9 time, no intention of building another home on the
10 property at some point or selling it.

11 MR. LICINI: That's one-hundred
12 percent our intention.

13 CHAIRMAN FUSARO: Thank you so much.
14 As far as Ms. Molnar asked a question regarding
15 the runoff and what impact the addition would have
16 with respect to stormwater. Normally, that's
17 something one of the engineers would provide some
18 information on for us. But just a general
19 question; have you had any issues with flooding?
20 I believe your existing home does have a basement.
21 Have there been any issues with any infiltration
22 of water or any of the neighbors having runoff
23 from their property to your, your property to
24 theirs, etcetera?

25 MS. LICINI: To the best of my

1 knowledge, my neighbors have not had any issues
2 from our home. And obviously living here four
3 years, a storm like the end of August/early
4 September was a test to see if we'd have any water
5 in the basement and thankfully, it was next to
6 nothing. I don't even think there was even an
7 inch. And, of course, we were really worried with
8 an old home like ours. So to the best of our
9 knowledge, we've not had any issues. We hope we
10 never do. It's relatively flat land.

11 CHAIRMAN FUSARO: Thank you. I have
12 no further questions for the applicants. Any
13 Board Members have any questions for the
14 applicants? Anyone? Seeing none, at this time,
15 why don't we open it up to public commentary. If
16 anyone in the audience has any questions for
17 either Mr. Blasi and/or the applicants, please
18 virtually raise your hand and Mr. Sammet will
19 allow you into the meeting.

20 MR. SAMMET: I'm not seeing any
21 hands raised, Mr. Chairman.

22 Q. Thank you, Mr. Sammet. Seeing none,
23 we'll close that portion of the meeting. Are
24 there any other presentations or closing comments
25 you'd like to make Mr. Blasi and/or the Licinis?

1 MS. LICINI: I'd just like to thank
2 everyone for your time and consideration, and I'm
3 here if you have any additional questions.

4 CHAIRMAN FUSARO: Thank you. We'll
5 close that portion of the meeting and open it up
6 to Board commentary -- Board discussion, I should
7 say. I'm sorry. As I mentioned earlier, if the
8 application were to be approved my suggestion
9 would be that we put our standard comment, our
10 standard condition in there with respect to that
11 porch remaining open on two sides. As you've
12 heard from the applicants, they certainly have no
13 intention at this time of subdividing the lot
14 further. The lot has already been subdivided,
15 however, constructing any new homes -- or new home
16 I should say -- on the Lot 15 portion of the
17 current property. The home is, as Mr. Blasi
18 described, an older home, a Tudor. I believe the
19 addition that Mr. Blasi is proposing certainly
20 fits in architecturally. It will be minimally
21 viewed from Mountain View circle. I am familiar
22 with Priscilla Lane; it is a private drive.
23 There's virtually no through traffic there. As
24 far as it being seen by too many people or having
25 an issue with it, I don't think that's going to

1 come into play.

2 As far as stormwater goes, I know
3 several Board Members on this Board in general
4 certainly is concerned with additional coverage.
5 It appears that pretty much every project that
6 comes before us does add coverage. And even
7 though it may be minimal, those minimums add up to
8 quite a bit when you consider that we approve or
9 we review 120-some odd applications a year.
10 Having been said, I think the addition certainly
11 fits in with the neighborhood. It is a large
12 piece of property. I don't think it's being
13 overbuilt. And from a massing standpoint, I think
14 it would kind of fit in. As I said, it is 15%
15 over on the coverage. I don't know what -- off
16 the top of my head, it doesn't appear that there's
17 anything glaring that we could ask the applicants
18 or Mr. Blasi to look at reducing other than
19 possibly reducing that covered porch area since it
20 would appear from what we've heard that the main
21 reason for the application is to create this
22 family room slash photography studio, and I guess
23 the covered porch is just basically another aspect
24 that may or may not be as important as the family
25 room.

1 Anyone from the Board? I'd like to
2 hear some comments about how everyone else feels.

3 MS. HROBLAK: I have a question for
4 Don. Do we know what size these lots -- what was
5 the zone classification prior to these being
6 combined?

7 MR. SAMMET: Oh, gosh. I wouldn't
8 know. You'd probably be going back a few decades.

9 CHAIRMAN FUSARO: I believe it's in
10 an RS-12 now.

11 MR. SAMMET: It's currently an
12 RS-12, yeah.

13 CHAIRMAN FUSARO: So there are two
14 conforming a little over 12,000-square foot lots.

15 MR. SAMMET: Theoretically, you
16 could get two 12,000-square foot lots.

17 MR. MASCIALE: And it's 15% in an
18 RS-12; correct?

19 MR. SAMMET: No. Well, the
20 permitted lot coverage goes by lot size, actually
21 not by zone district. So on a -- I think I put it
22 in my report on a 12,000-square foot lot, you're
23 permitted about 20% coverage. But this lot, being
24 over that, they're only permitted at 15% lot
25 coverage.

1 CHAIRMAN FUSARO: Right 12,000 --
2 Don's report says, that's correct, 20% and it
3 would be 2,400-square on a 12,000-square foot lot.
4 Certainly, this is a 24,000-plus-square foot lot.

5 MS. HROBLAK: I guess that's what
6 I'm getting at. You're getting almost a free
7 entire lot of undeveloped area, and should remain
8 undeveloped should the property be sold in 50
9 years.

10 MR. SAMMET: That was kind of the
11 point I was making in my report. Hypothetically,
12 if this was two separate lots in the RS-12 Zone,
13 you'd be allowed a greater coverage.

14 MS. HROBLAK: We're minimizing it
15 this way; right?

16 MR. SAMMET: Exactly. You're
17 getting less coverage with this larger lot even
18 with the variance request.

19 MS. HROBLAK: Yeah. I think that
20 works quite a bit in favor. Whether the runoff
21 becomes an issue, time will tell with the
22 neighbors. I mean Hillside slopes down toward
23 Mountain View Circle all the way down to New
24 Providence Road as I can attest to reaching about
25 40 miles an hour on my bicycle coming down

1 Hillside. You can fly down that road.

2 CHAIRMAN FUSARO: Good thing your
3 brakes work; right?

4 MS. HROBLAK: Yeah. That is how I
5 test them. I usually bail out at Cedar Grove.
6 It's pretty steep and people on either side of
7 them from either -- well, I'm not sure how it
8 impacts. Priscilla goes down as well I think if
9 you -- they're higher than the next neighbor on
10 Priscilla. You'll find out if you're pissing
11 everyone off. It's hard to tell, we don't have a
12 grading plan. But I'm sure they'll come talk to
13 you.

14 CHAIRMAN FUSARO: Any other Board
15 Members have any comments regarding the
16 application?

17 MR. MASCIALE: I think it's a great
18 design. I think it fits and we're way under with
19 the two lots. And it's not a two-story, it's a
20 one-and-a-half. I think it's going to fit right
21 into the neighborhood, and it's not overdeveloped
22 -- over massing as you said, Frank. To me, this
23 fits in and we know Mr. Blasi and his
24 architectural designs always look great. And this
25 is going to look really good.

1 CHAIRMAN FUSARO: Thank you, Chris.
2 Any other Board Members? No? Did I hear a yes?
3 No?

4 MR. GELINAS: Yeah. Sorry. I
5 wanted to ask one thing too. With respect to the
6 affidavit that was provided about the use of the
7 space for painting and photographing clients and
8 it says that they reviewed the ordinance Section
9 14.01 and will comply. Is that something that we
10 want to factor into our ultimate set of conditions
11 when we vote on this?

12 CHAIRMAN FUSARO: Katie, is that
13 something that we should reference in our
14 conditions?

15 MS. RAZIN: I'm not sure in what
16 regard you're --

17 MR. SAMMET: I think what it is
18 Katie is the applicant has testified that they're
19 an artist --

20 MS. RAZIN: Yes.

21 MR. SAMMET: -- and the addition
22 will be used --

23 MS. RAZIN: You mean like for a home
24 office? In terms of like a home office versus
25 like a hobby; is what you're saying?

1 MR. SAMMET: Right. Well, that it
2 will not be --

3 MS. RAZIN: Amount to like a home --

4 MR. SAMMET: Yeah. The photography
5 studio that will be part of the addition will not
6 violate the provisions of the town's Home
7 Occupation Ordinance.

8 MS. RAZIN: Yeah. I think that's
9 fair. Right.

10 CHAIRMAN FUSARO: So include that as
11 a condition?

12 MS. RAZIN: Sure. Yeah. Again, I
13 think if they stipulated to it, especially feel
14 free to include that as an expressed condition if
15 you like, yes.

16 CHAIRMAN FUSARO: Thank you. Anyone
17 else? Seeing none, may I have a motion?

18 MR. MASCIALE: I'll make a motion to
19 accept the application with the condition that the
20 covered porch area remains open on two sides.
21 Also, a condition of the, I think it was the 14.01
22 reference that the studio will not be used for
23 commercial purposes.

24 CHAIRMAN FUSARO: Excellent. We
25 have a motion by Mr. Masciale. Do we have a

1 second?

2 MR. REISEN: Second.

3 MS. HROBLAK: Second.

4 MS. RAZIN: Who was that?

5 CHAIRMAN FUSARO: I don't know if
6 that was Allyson.

7 MS. HROBLAK: I think it was Charles
8 and myself.

9 MR. SAMMET: Sam, you might be our
10 second. I think Sam is our second alternate. So
11 it should be --

12 CHAIRMAN FUSARO: Allyson.

13 MR. SAMMET: -- I think Allyson.

14 CHAIRMAN FUSARO: That's fine.

15 Thank you. Please call the roll, Mr. Sammet.

16 MR. SAMMET: Chair Fusaro.

17 CHAIRMAN FUSARO: Yes.

18 MR. SAMMET: Ms. Hroblak.

19 MS. HROBLAK: Yes.

20 MR. SAMMET: Mr. Masciale.

21 MR. MASCIALE: Yes.

22 MR. SAMMET: Ms. Molnar.

23 MS. MOLNAR: Yes.

24 MR. SAMMET: Ms. Pavon.

25 MS. PAVON: Yes.

1 MR. SAMMET: Mr. Sontz.

2 MR. SONTZ: Yes.

3 MR. SAMMET: Mr. Gelinas.

4 MR. GELINAS: Yes.

5 MR. SAMMET: And Mr. Reisen.

6 MR. REISEN: Yes.

7 MR. BLASI: Excuse me. Frank, could
8 I just ask one question?

9 CHAIRMAN FUSARO: Yes, please.

10 MR. BLASI: Because the client is
11 asking for clarification. The affidavit that was
12 signed by them is that she could use the studio
13 for home -- it says, "I am a painter and fine art
14 photographer. I do not have any employees. The
15 932-square foot extension will be shared and
16 enjoyed by my family, quasi-used for painting and
17 photographing clients. I have reviewed the
18 ordinance Section 14.01. I will comply with the
19 ordinance. The requested 932-square feet of the
20 family room/photo studio is 16% and will be below
21 the maximum 25% habitable floor area."

22 The main comment is that she is
23 going to have clients there, but she's going to
24 adhere to the ordinance Section 14.01. She just
25 wants to clarify that that's going to be within,

1 inside the memorialization.

2 CHAIRMAN FUSARO: Yes. That
3 shouldn't be a problem. I believe what we're
4 trying to express, and perhaps Katie our attorney,
5 Ms. Razin, may be able to word it better than we
6 can. But basically, we don't want it to be used
7 as a commercial photography studio.

8 MR. MASCIALE: We can reference
9 14.01 in the motion.

10 CHAIRMAN FUSARO: Whatever 14.01
11 says, then that's what --

12 MS. RAZIN: If we reference it in
13 terms of compliance with the ordinance rather than
14 --

15 MR. SAMMET: Correct.

16 MS. RAZIN: -- then that would be
17 okay. Right.

18 MR. SAMMET: The Home Occupation
19 Ordinance by definition allows for you to work
20 from home. It's just you will not violate the
21 provisions contained within Westfield's Home
22 Occupation Ordinance, which is Article 14 of the
23 Land Use Ordinance.

24 MR. BLASI: Don, is there any way
25 that you can let the Licinis back in?

1 CHAIRMAN FUSARO: Absolutely.

2 MR. SAMMET: Yeah. They're in now.

3

4 MR. BLASI: I don't --

5 MS. RAZIN: If you want to share
6 your screen you might be able to see them. That's
7 probably why you're not able to see them.

8 MR. BLASI: So the question is --
9 Natalie, I'm going to repeat just to be clear.
10 The 401(sic) that was signed -- the comment -- the
11 affidavit that was signed, the Section 401.01 not
12 having employees but being able to have clients
13 there as a home office, that is what you'll be
14 allowed to do.

15 MS. LICINI: Yeah. I just wanted to
16 clarify that since I'm a painter, sometimes I
17 paint children. I just want to make sure I'm
18 permitted. I just don't want to -- like you said
19 no commercial use. So for me, if a client hires
20 me to paint their child or photograph their child
21 I just want to make sure that I'm clear.

22 CHAIRMAN FUSARO: If that's what the
23 Home Office Ordinance says then we're certainly --
24 we didn't write the ordinance. Whatever the
25 ordinance says.

1 MS. LICINI: Because I thought we
2 were fine.

3 MR. SAMMET: Yeah. You'll be fine.

4 MS. RAZIN: We're going to put it in
5 compliance with the ordinance and we're not going
6 to add in extra language.

7 MS. LICINI: Other language. Thank
8 you.

9 MR. LICINI: Just making sure.

10 MR. BLASI: Thank you, guys. I
11 apologize.

12 CHAIRMAN FUSARO: Thank you so much.
13 We're good, Don?

14 MR. SAMMET: Yes, sir.

15 CHAIRMAN FUSARO: Thank you so much.
16 Your project is approved. Good luck.

17 MR. LICINI: Thank you all. Thank
18 you very much.

19 MS. LICINI: Thank you very much.

20 CHAIRMAN FUSARO: You're welcome.
21 Thank you. Enjoy.

22 MR. MASCIALE: Did we take a vote?

23 CHAIRMAN FUSARO: I thought we did,
24 Mr. Sammet?

25 MR. REISEN: I think I interrupted

1 it.

2 CHAIRMAN FUSARO: All right.

3 Mr. Sammet, please call the role.

4 MR. SAMMET: No, it was done.

5 CHAIRMAN FUSARO: I thought it was
6 done.

7 MR. SAMMET: Yeah. It was approved
8 unanimously.

9 MR. MASCIALE: It was. All these
10 questions.

11 MR. BLASI: Thank you very much.

12 CHAIRMAN FUSARO: Thank you. Have a
13 good evening. It's 11:00, do we want to get
14 started with this? I don't know if we'll get
15 through it, but let's at least give it a quick
16 start and we'll go as far as we can.

17 The next application is
18 Michael King, 437 Hillside Avenue. Applicant is
19 seeking approval to construct a two-story addition
20 on the side of the house to add a two-car garage
21 and a connecting breezeway. The proposed addition
22 will have a finished second floor. The existing
23 attached two-car garage will be renovated to be
24 living space. There will be a third-floor
25 addition to add a guest bedroom suite, storage,

1 and home spa contrary to the following sections of
2 the Westfield Land Use Ordinance: Section 11.04E6
3 where minimum side yard setback permitted is
4 15-feet and proposed is 13-feet-8-inches; Section
5 11.04E12 where maximum eave height permitted is
6 22-feet and proposed is 26-foot-2-inches; Section
7 12.04G1 where maximum all improvements coverage
8 permitted is 20% and proposed is 41.48%; Section
9 11.04E13 where maximum zoning side wall length
10 permitted is 25-feet and proposed is 26-feet;
11 Section 11.04E8 where number of stories permitted
12 is 2-and-a-half and proposed is 3.

13 I know we have Mr. King. I see
14 Mr. Bailey. I believe Mr. Bailey you've appeared
15 before us this year; is that correct.

16 MR. BAILEY: That's correct.

17 CHAIRMAN FUSARO: Can you please
18 state your name and address for the record?

19 MR. BAILEY: Dave Bailey, architect.
20 The office address is 225 Lenox Avenue, Westfield.

21 CHAIRMAN FUSARO: Thank you. Please
22 raise your right hand.

23 DAVID BAILEY, having been duly
24 sworn, was examined and testified as follows:

25 CHAIRMAN FUSARO: We will continue

1 to recognize you as an expert in the field of
2 architecture. Please proceed.

3 MR. BAILEY: I guess the Kings will
4 testify later about why they need the addition,
5 but I'll start with the design. I can start
6 first. Let me share my screen. Does the Board
7 see the drawing?

8 CHAIRMAN FUSARO: Yes.

9 MR. BAILEY: Starting with the
10 existing plans. These are the existing floor
11 plans on EX-2. On the existing first floor here
12 we have an existing attached two-car garage. We
13 have an existing kitchen here; relatively small
14 kitchen. They have a laundry closet in the
15 kitchen. They have this tiny mudroom and a door
16 to the garage. We have a typical center hall
17 house with a living room and dining room, family
18 room in the back. And then they have on the
19 second floor the master suite here, some kids'
20 rooms. And we have just a storage attic with a
21 relatively low-pitched roof. So what we're
22 proposing to do in the proposed design is to take
23 over the existing garage as living space, open up
24 the kitchen more, and we're going to propose an
25 attached two-car garage addition.

1 Let me show the elevations existing.
2 These are the existing elevations. It's a typical
3 1960s two-story colonial. Front porch across
4 here. That's the existing right elevation.
5 That's the existing north side and existing south
6 side with the existing attached two-car garage
7 here, and the existing rear of the house here.
8 And then I'll show some photos. These are the
9 existing photographs on PH-1. This is on the
10 upper left here the existing front elevation.
11 It's a very large property, almost an acre. A
12 nice circle drive existing here. Again, the front
13 porch. The two-story 1960s colonial house that
14 exists. This is the existing rear and this very
15 deep large backyard here. This is the side facing
16 towards Mountainside, the north side where the
17 addition is not being built. Over here is where
18 the addition will be built. Over on the
19 right-hand corner, this is the existing south side
20 of the existing house and existing two-car garage
21 here and existing mudroom entry.

22 So on the proposed drawings, we're
23 proposing on the first floor here, this is A-5
24 proposed first-floor plan. We're proposing where
25 the existing two-car garage was to turn into

1 living space. So we're taking out the existing
2 laundry room here, the mudroom, opening up the
3 kitchen to be larger and have a nice little area
4 to put a breakfast table, door out to the
5 backyard. And then we're proposing a master
6 mudroom here and a real laundry room here, and
7 then a full bath and a library here with a privacy
8 door here, which also could be used for guests,
9 but it's proposed as a library. So all the
10 existing garage space will become living space.
11 We're proposing this two-story addition on the
12 left here for the two-car garage. So this is the
13 two-car garage with two 9-foot doors. There's an
14 open breezeway that's 8-foot wide that connects
15 the garage to the house. There's a stair in the
16 back here that goes up to the finished second
17 floor. So we proposed the two-car garage that
18 would be just large enough to comfortably fit two
19 cars. It would be 21-foot-8-inches wide clear and
20 21-foot-3-inches clear deep. So, again, it will
21 comfortably fit two cars, 9-foot doors will fit
22 two cars.

23 Going up to the proposed second
24 floor. The second floor of the proposed garage
25 addition will be like a half story. Dormers,

1 sloping roof, sloping ceilings, open stair up to
2 the finished second floor. This shows the
3 required side yard setback. So one of the
4 variances is for 16-inches into a required 15-foot
5 side yard setback. So on the second floor, you're
6 running through part of sloping ceilings and attic
7 spaces. And on the first floor, it's cutting
8 along the edge of the proposed two-car garage,
9 we're 16 inches into the setback there. This is
10 an open breezeway, which if you look at the site
11 plan, this is open and not enclosed. Again, with
12 this large property, it's almost an acre, by
13 having this an open breezeway, you can take a
14 shortcut through here to get from the front yard
15 to the backyard, and to get into the house from
16 the backyard, front yard. If this were enclosed,
17 you'd have to walk all the way around the garage
18 to get to the backyard. It's not as convenient.
19 So to have this look decent as an open breezeway
20 on the proposed elevations, the reason it's 8-foot
21 wide.

22 So again, this is the 8-foot wide
23 open breezeway. So 8-foot is a good proportion to
24 have this as open space that, again, you can walk
25 through as a shortcut. There's a roof here, so

1 it's attached, and this is an attached addition.
2 But if this were less than 8-foot and open, it
3 would seem like an alley. And the reason we
4 proposed it's open again is to have this nice
5 shortcut. An open breezeway cutting through
6 which, you know, given this style of house -- the
7 center hall colonial with the attached carriage
8 house look -- an open breezeway goes with the
9 style house and there're other open breezeways in
10 this neighborhood. So the proposed two-story
11 addition, again, the second floor is treated more
12 like a half story with a shed dormer front.
13 You've got metal roofs, so it's like a carriage
14 house. Again, it's only 16-inches into the
15 required 15-foot side yard setback and the side
16 elevation. So this is the side of that garage
17 addition. So, again, it's got these two shed
18 dormers front and back, a gable roof with a nice
19 pitch that goes to the style house. We've got
20 some windows facing the neighbor. The rear --
21 this is the rear of the attached two-car garage
22 addition. Again, it's got windows to the second
23 floor. This is an open breezeway, it's 8-foot
24 wide. So that is the testimony on the garage
25 part.

1 The third floor, if you remember,
2 from the existing photographs of the front of the
3 house, the 60s-type colonial with a relatively
4 low-pitched roof. It didn't have a good scale or
5 style or curb appeal. Particularly in a
6 neighborhood like this with large homes. So we're
7 proposing a 10-to-12 pitched roof on the existing
8 part of the house. Of these two wings, taking the
9 roof off building a steeper pitched roof. On the
10 front, facing towards the street, we're proposing
11 three 6-foot wide shed dormers with a metal roof.
12 So you like a two-and-a-half-story center hall
13 colonial look from the street. And on the next
14 elevation, on the rear elevation, we've got the
15 shed dormer across the back to get the headroom
16 and living space on the third floor. This is --
17 one of the variances required is the eave height.
18 So this is more than the maximum 22-foot eave
19 height. It's going to be about 26-foot-2-inches
20 from the grade. So the way the code is written,
21 you can't be more than 22-feet from the grade to
22 the bottom of the soffit to the eave. We're
23 26-foot-2, but this shed dormer across the back is
24 the only dormer that needs that variance for eave
25 height.

1 The ones in the front conform and
2 certainly, the ones on the second floor conform.
3 The back of this house faces into a very deep
4 large backyard. There're no neighbors behind you
5 that can even see the back of the house. So no
6 neighbor behind is really going to see any of
7 these additions because you've got almost an acre,
8 you've got a lot of screenage(sic), you've got
9 swimming pools, tennis court. Where you would see
10 additions from the street -- and again, this is
11 set way back from the street off of Hillside --
12 you see what looks more like a half-story look on
13 the front with just three shed dormers. The
14 bigger part, again, is on the back facing a very
15 large property almost an acre.

16 The side elevations. So the side of
17 that third floor -- this is the side of the shed
18 dormers facing the street, the wide ones, and this
19 is that shed dormer across the back of the house
20 on the third floor. This is the north side of the
21 house. Again, this is the side view of the shed
22 dormers facing the street. This is the big shed
23 dormer across the back. Going to the -- so this
24 is the proposed second floor. So I went over the
25 proposed first floor. So on the second floor, the

1 only change to the existing second floor is
2 opening up a staircase to the new third floor.
3 There're no real changes to the existing rooms on
4 the existing second floor. That's that separate
5 room over the garage on the second floor.

6 And then going up to the third
7 floor. A-7 is the proposed third floor. Again,
8 we have the three 6-foot wide shed dormers facing
9 towards the front towards the street. We've got
10 the shed dormer across the back here. And the
11 Kings I'm sure will testify they asked me to put a
12 Scotch Plains Avenue on the third floor with a
13 guest room, some storage room, some closet space.
14 You know, the spa with a sauna and a nice bath
15 with the jacuzzi. Raising the roof over this part
16 of the existing house with just the unfinished
17 attic. So this will be the finished part here.

18 Going to the site plan. On the site
19 plan; this is the existing site plan. So on SP-1,
20 going to 1 on SP-1, the existing site plan. So
21 currently, there's this circular drive and there's
22 this big driveway, and then you've got to do the
23 K-turn into the side facing the two-car garage
24 here. This is a proposed site plan. So we're
25 actually cutting away part of the existing

1 driveway at the proposed garage addition
2 breezeway. So we cut back on some of the paving
3 for the driveway and put in its place the proposed
4 addition. So we're actually decreasing slightly
5 the improvement coverage because we cut off this
6 area leaving here that's within that side yard
7 setback. So we've cut away some paving here and
8 then the proposed addition sits on existing
9 impervious improvement coverage. So we've
10 actually decreased the existing improvement
11 coverage 167-square feet less than existing
12 improvement coverage. So the existing improvement
13 coverage is existing nonconforming. It's over the
14 maximum. The maximum allowed is 20%. Existing is
15 41.89, we're proposing 41.49. So again, we've
16 actually reduced the existing nonconformance of
17 the improvement coverage by 167-square feet by
18 putting the addition over existing paving, having
19 the front-facing garage so you don't need as big a
20 driveway. They cut off that paving here on the
21 side and landscaping there.

22 So again, we're only 16-inches into
23 the 15-foot side yard setback. And again with the
24 8-foot open breezeway that's why the garage
25 crosses over that. And the front grass -- being

1 that all the neighbors have large properties,
2 there's a lot of landscaping and buffering between
3 houses. So the next-door neighbor here on the
4 left where the proposed addition is going, they're
5 pretty far away up there higher on the hill.
6 There're a lot of trees and shrubs. You can see
7 this rear photo here looking towards where the
8 addition is going to be or that car is sitting,
9 that's where that proposed addition is going to
10 be, again, there's a lot of landscaping there, a
11 lot of buffering between homes. The rear yard is
12 very far back on the site plan. So here is where
13 the proposed additions are. Here's where that
14 proposed third-floor addition here, this blue
15 area. And you're very far away to the property
16 line, and the house behind them is further back
17 than that.

18 To get a sense how this house will
19 still fit into the scale of the neighbors, I had
20 worked on the house to the right adjacent here.
21 So along here, this house here, I included in here
22 one of the elevations. So this is 443 Hillside
23 Avenue. So I designed this, this 8,000-square
24 foot house. It's three stories, it's almost
25 35-feet high. It's got a walk-out basement. And

1 here for scale, the proposed King house with the
2 third floor and attached garage and breezeway. So
3 you can see, the next adjacent neighbor has a
4 larger house bulk-wise than the Kings. And
5 Jim Watson might testify about other neighbors in
6 the neighborhood, but we're definitely by more in
7 keeping with the scale of the neighbors by having
8 a descent pitched roof proposed and having the
9 dormers. That's the overall roof plan. Shed
10 dormer across the back, the smaller shed dormers
11 across the front, and the carriage house addition
12 there.

13 So some of the other variances --
14 moving back to the rest of the variances. There's
15 the sidewall massing variance. We're proposing
16 26-feet where 25-foot is the maximum. So that's
17 here. So this is 26-feet long, it's a foot longer
18 than the maximum 25-feet. We need a minimum depth
19 for the cars. These are the starts to the second
20 floor, and then that side elevation. Even though
21 the first floor is over 25-feet long, the second
22 floor, because of those dormers and the
23 gable-shaped roof, steps in. So the second floor
24 is more than conforming with that sidewall massing
25 because on the plans, you can see you've got the

1 dormer towards the front. Step back a few feet
2 from the left side of the garage and then a shed
3 dormer across the back which is, again, stepped in
4 more than 2-feet from the sidewall of the garage.
5 So we're more than conforming with sidewall
6 massing on the second floor. It's just the first
7 floor that we're a foot longer than the 25-feet.
8 And again, there's a lot of screening and
9 landscaping along here for the neighbors' view and
10 then, there're windows so there is some glass that
11 the neighbors are looking at.

12 I think I've addressed all the
13 variances. Have you got any questions?

14 MR. MASCIALE: Question on the third
15 story. The only reason it's going from
16 two-and-a-half to three stories is for the amount
17 of space that's being added on the third floor?

18 MR. BAILEY: Yes. The area that's
19 7-foot or higher is more than a third of the area
20 of the second floor.

21 MR. MASCIALE: How much over is it?

22 MR. BAILEY: The green shaded area
23 that's 7-foot or higher above the attic floor,
24 it's going to be 1,172-square feet which is 64.85%
25 of the second floor. So a third of the second

1 floor would be 602-square feet. So we wouldn't be
2 allowed without a variance for the 602-square feet
3 because that would be a third of the second floor.
4 We're proposing 1,172-square feet which is 64.86%
5 of the second floor. Again, the massing of this
6 house fits in with the neighborhood. And the
7 Kings can address the purpose of those rooms.
8 But, yes, that is one of the variances we're
9 asking for and that is the story definition; the
10 green shaded area.

11 The blue shaded area is the FAR
12 living space. So we're discounting the one-third
13 of the second floor. We've added 602-square feet
14 that adds into the FAR calculation, but we don't
15 have an issue with variance for FAR. Go to the
16 survey. The proposed FAR is 12.81% we're allowed
17 20%. So we're way under on living space. The
18 improvement coverage is existing nonconforming and
19 we've actually reduced 167-square feet. On FAR,
20 we're more than conforming. Building coverage,
21 we're conforming. Maximum building coverage is
22 10% were proposed 9.58%. You know as far as the
23 building coverage and FAR, we're conforming. The
24 story is because the area that's 7-foot or higher
25 is more than the area of the second floor. Again,

1 given this neighborhood and the size of the
2 property, I think it fits in. And then I have a
3 diagram, a pretty clear scale diagram here.
4 They're both drawn to the same scale. This the
5 literally to the right adjacent property, 443
6 Hillside, and it's a much bigger house with a
7 pretty large flat roof area. And it also has an
8 open breezeway attached to an even larger carriage
9 house. It used to be the artist Harry Devlin's
10 studio that my clients renovated and fixed up. So
11 this is an 8,000-square foot house just to the
12 right, adjacent.

13 MS. MOLNAR: That's in Mountainside?

14 MR. BAILEY: Yes. The adjacent
15 property is in Mountainside.

16 MR. SONTZ: Mr. Bailey, why can't
17 you make the breezeway 16-inches smaller and not
18 have the side yard setback variance?

19 MR. BAILEY: The 16-inches might not
20 be so much to make it a cave but it's is a nice
21 round number. And again, going back to the
22 elevations, they want the classic breezeway
23 carriage house look. So being non-enclosed, being
24 open, at some point, it's going to feel too tight.
25 So I don't know exactly what inch that will be

1 where it's going to feel too tight between two
2 buildings. But the 8-foot, I think is a good
3 proportion to be an open breezeway to walk
4 through. But if it's a condition of approval that
5 we take off one of the variances, the Kings might
6 testify they might be fine with that. But during
7 the design phase when I was discussing this with
8 the Kings, they thought 8-foot was a good opening
9 dimension to have as an open breezeway because
10 they don't want to enclose it. They'd like to
11 keep it open as a shortcut for pedestrians to walk
12 to the front yard and back yard and to get into
13 the mudroom.

14 MR. SONTZ: What is the basis --
15 (Crosstalk.)

16 CHAIRMAN FUSARO: Go ahead, Matt.

17 MR. SONTZ: What is the basis for
18 your belief that the driveway is existing
19 nonconforming? When was the driveway put in?

20 MR. BAILEY: I'm just going by the
21 existing survey. I don't know when anything was
22 built. But you know given what I'm given, which
23 is existing survey, which Jim Watson drew, so he
24 can testify about that also. But you know this is
25 -- these all-existing conditions, I don't know

1 when things were put in. This is a 1960s house
2 that had an existing attached two-car garage
3 facing the side, so I could assume there would
4 have been a driveway with this. It looks
5 original, it's like a 1960s style house. And I
6 know from working on some additions and work in
7 the past, that tennis court has been there a long
8 time. Mr. King can testify better about that.
9 But this is the existing site plan and these are
10 the existing numbers that show existing
11 nonconformance. Mr. King might testify markedly
12 on how old things are, but nothing looks brand new
13 back there.

14 CHAIRMAN FUSARO: Thank you,
15 Mr. Bailey. Some other board members had a
16 question for Mr. Bailey.

17 MS. MOLNAR: I had two questions.
18 One is probably for Don. Is living space in the
19 attic permitted by the Land Use Ordinance?

20 MR. SAMMET: Yes. We see that very
21 often. You'll see what was once attic storage
22 space converted to living space. Very often
23 bedrooms and even baths.

24 MS. MOLNAR: Mr. -- the architect,
25 is it possible to design a usable third floor that

1 is in compliance with the ordinance?

2 MR. BAILEY: That is a question for
3 the Kings on how small they'd like to have the
4 third floor. I designed the third floor that they
5 requested. And they were coached on what would
6 need a variance. So as far as what could be
7 smaller, that's more a question for the Kings.

8 MS. MOLNAR: Also, the pictures.
9 The first floor in the rear of the property, it
10 looks like it's an addition. It's bumped out.
11 The original home didn't have that bump-out.
12 Yeah, that looks like an addition. The house was
13 enlarged.

14 MR. BAILEY: I don't know how long
15 ago. But the kitchen here, it's looks like it's
16 at least 20 or 30 years old.

17 MS. MOLNAR: Yeah. My question is:
18 Can that bump out support a second and third story
19 from a practical point of view?

20 MR. BAILEY: I'm not building over
21 it.

22 MS. MOLNAR: Oh, you're not building
23 over that; not at all. Okay. Okay. Thank you
24 for clarifying that. Okay. Thank you.

25 MR. BAILEY: See here's the -- so

1 here's the existing floor plan. So that part
2 you're looking at, the one-story, that's this
3 kitchen/family room area, and then this is the
4 existing second floor. So the proposed third
5 floor is being built over the existing second
6 floor. We're not building back here. So if I go
7 to the proposed plans you can see that too. You
8 see there's that one-story area?

9 MS. MOLNAR: Oh, yes. Thank you.

10 MR. BAILEY: And then the basement
11 plan. So I would assume that the original 60s
12 house probably had this full basement and probably
13 an attached two-car garage. Someone in the past
14 may have built these additions or built over crawl
15 spaces. Maybe the Kings can testify how old they
16 are. They're definitely not new. They look
17 pretty dated inside, especially the kitchen.

18 MS. MOLNAR: Okay. Thank you.

19 CHAIRMAN FUSARO: Mr. Bailey, thank
20 you. I see that the entire third floor has a
21 ceiling height of 8-feet. Not on the improved
22 area of the bedroom, sauna, bathroom, etcetera.
23 However, also the unfinished attic and unfinished
24 attic in the -- I'm sorry -- the finished attic
25 above the garage is also an 8-foot ceiling. Is

1 there any way to bring this down? I'm having a
2 very difficult time, you know, trying to approve
3 this application with one, two, three, four, five
4 variances where the permitted coverage is over
5 100% of what's allowed. 20% versus 41.48, I mean,
6 granted, you're reducing it a minimal amount, but
7 it's still a tremendous amount over what is
8 allowed. In addition -- bear with me here one
9 second -- as Mr. Sontz pointed out, the breezeway
10 at 8-feet, certainly by reducing it to 6-feet or
11 6-foot-6 would certainly help by eliminating one
12 of those variances right off the bat. Again, we
13 will bring the clients in-in a minute or so and
14 then get some testimony from them. And I
15 apologize, I probably should have had them start
16 off so we could have heard their reasoning behind
17 this relatively large ask.

18 I'm concerned about the eave height.
19 You had mentioned in your testimony that you kept
20 referencing the dormer across the back at the eave
21 height of 26-feet. However, I'd like to confirm
22 that those three dormers in the front are also at
23 that 26-foot height. That eave height; is that
24 correct?

25 MR. BAILEY: It's that height, but

1 I'm sure Don Sammet will me or tell you also, but
2 he's told me in the past when they're small like
3 and when they're less than 50% of the below them
4 he wavers that from counting the eave height. So
5 little dormers like this he doesn't normally count
6 towards eave height. The one across the back is
7 not exempt from eave height, so that is needing a
8 variance. The space in the backyard and it's a
9 very deep yard and there're no near neighbors
10 behind to even see it. But it's my understanding,
11 those little dormers are waived from that eave
12 height.

13 MR. SAMMET: Yeah. The town has had
14 a long-standing rule of thumb well before I was on
15 staff about how it treats dormers when it comes to
16 what is measured for eave height.

17 CHAIRMAN FUSARO: So those dormers
18 are exempt even though they're at the same height
19 as --

20 MR. SAMMET: Right.

21 CHAIRMAN FUSARO: -- the rear?

22 MR. SAMMET: Yeah.

23 CHAIRMAN FUSARO: Okay. Great.

24 MR. BAILEY: Your question about
25 this attic here over this part. Going to a side

1 elevation. So I matched when I took the existing
2 roof off these two areas, I did the 10-12 pitch,
3 which is a good pitch for a colonial-style house.
4 So this ridge is quite a bit lower than the one
5 where the third floor is. So going back to that
6 third-floor plan, 8-foot is to the bottom of the
7 ridge. So the 8-foot is to the high point, which
8 is the ridge. And the story definition from the
9 attic floor to the top of the structure, top of
10 the rafter, is this think blue area here. So this
11 is not really usable for living space because the
12 part that you can stand up in is pretty minimal.
13 That's just looking down on the second-floor room
14 of the carriage house. So this is not on the
15 third floor, this attic space here. This is not
16 the same level as here. Going back to the
17 elevations, this is way lower than that. And this
18 is only 8-foot, you know, the high point, and it's
19 a steep pitch to reroof the house. So the steep
20 pitch is to look more like a traditional classical
21 center home than a 60s type house. But this is
22 not living space. It's only 8-foot high at the
23 high point from the attic floor.

24 CHAIRMAN FUSARO: Something doesn't
25 make sense.

1 MR. BAILEY: We conform to the
2 maximum heights. So, yes, there are 8-foot
3 ceilings in the proposal, but we're okay with
4 maximum height and conform with that.

5 CHAIRMAN FUSARO: Okay. While
6 you're on that elevation, okay. To the left, the
7 area -- I'm talking about the garage building now
8 -- you have your first floor, which is the garage;
9 you have your second floor, which is finished
10 attic space with a stair leading up to that, and
11 then you have a third floor.

12 MR. BAILEY: No. The way that plan
13 was cut, this is -- there is no attic really above
14 this because you go back to side elevation.

15 CHAIRMAN FUSARO: Because I'm
16 looking at your third-floor plan on A-7.

17 MR. BAILEY: Well, it's kind of
18 misleading because here on the side elevation --
19 so here's that ceiling of that second floor of the
20 carriage house, so you know, it's only like a
21 3-foot attic. So, yes, it's an attic, maybe
22 3-foot maximum. Not like this one here which was
23 8-foot underneath the ridge beam. This unfinished
24 area here was 8-foot to the high point. And this
25 is over the main part of the house where you have

1 an 8-foot ceiling here in the finished part and
2 then a little bit of like a 3- or 4-foot attic
3 above that, but not an attic you would walk up in.
4 And the same here, this whatever attic there is
5 over this flat ceiling of the second floor of the
6 carriage house is nothing you can walk into.

7 CHAIRMAN FUSARO: The reason I
8 brought it up is A-5 shows a two-car garage,
9 proposed first-floor plan; A-6 proposed
10 second-floor plan shows finished attic, ceiling
11 8-feet, and page A-7 says proposed third-floor
12 plan and it also says above the garage, finished
13 attic.

14 MR. BAILEY: I kind of cut through
15 the ridge there, but it's another attic. You're
16 looking down into the finished attic. So it's
17 like, you know, you cut away part of the ridge
18 because just where the plan section was taken,
19 it's looking down into that room on the second
20 floor. So, yeah, it probably should have just
21 been a solid roof.

22 CHAIRMAN FUSARO: Thank you. No
23 problem. That's fine. Thank you so much.

24 MR. BAILEY: It's not a walk-up
25 attic over here. It's really just a two-story

1 addition. In fact, the height of that is only
2 21-foot-10. So you're not going to get three
3 stories on 21-foot-10.

4 CHAIRMAN FUSARO: Correct. Great.
5 Thank you. Unless anyone else has any questions
6 for Mr. Bailey at this point I'd like to bring in
7 the applicants so we can hear some of their
8 justification.

9 MR. SONTZ: Mr. Chairman, if I may,
10 we kind of broke our own rule of not starting an
11 application after 11:00, and then you mentioned,
12 we'll, we'll get a quick start. It's already past
13 11:30, I don't think we should start any more
14 witnesses today. I think we should adjourn.

15 CHAIRMAN FUSARO: Okay. Chris, what
16 do you think?

17 MR. MASCIALE: Did you ask the
18 public about Mr. Bailey? And then maybe we should
19 pack it in.

20 CHAIRMAN FUSARO: Okay. Mr. Bailey,
21 let's see if there's any -- and thanks, Matt, for
22 bringing that to my attention. I just wanted to
23 try to hear from the applicants. We'll certainly
24 hear from them as we continue. Is there anyone
25 from the audience -- and if you are out there, I

1 appreciate you staying with us at this late hour
2 -- is there anyone from the audience that has any
3 questions for the architect, Mr. Bailey, please
4 raise your hand at this point virtually and Mr.
5 Sammet will allow you in.

6 MR. SAMMET: Anyone with questions
7 of Mr. Bailey? There's no one, Mr. Chairman.

8 CHAIRMAN FUSARO: Thank you,
9 Mr. Sammet.

10 MR. MASCIALE: Why don't you swear
11 the applicants in and just get a quick statement
12 Frank, and then we can adjourn?

13 CHAIRMAN FUSARO: Yeah. If you
14 don't mind, Matt, I'd just like to hear maybe five
15 minutes of what they have to say, and then we'll
16 cap it at that. Are the applicants available? If
17 you can stop sharing your screen, Mr. Bailey,
18 perhaps we'll be able to see them there. There we
19 go. Thank you so much. Mr. Kind, can you unmute
20 yourself?

21 MS. MOLNAR: He went to sleep.

22 MS. RAZIN: He also needs to come
23 onto the screen. Mr. King, you also need to be
24 visible when we swear you in.

25 MR. KING: Okay. How's this?

1 MS. RAZIN: Thank you.

2 CHAIRMAN FUSARO: There you go. We
3 can see you and hear you, Mr. King. Thank you.
4 Can you please state your name and address for the
5 record?

6 MR. KING: Mike King, 437 Hillside
7 Avenue, Westfield.

8 CHAIRMAN FUSARO: Thank you. Please
9 raise your right hand.

10 MICHAEL KING, having been duly
11 sworn, was examined and testified as follows:

12 CHAIRMAN FUSARO: Thank you,
13 Mr. King. It's a late hour, thank you for hanging
14 in there with us. If you could please just give
15 us a brief overview of your project, your input as
16 to what you've heard so far, and then we will
17 continue the application at our next meeting since
18 we are approaching 11:40 in the evening.

19 MR. KING: Sure. Well, thank you.
20 I can't believe you all are still here. Thank
21 you. Well, I guess I'll try to keep it very
22 brief. This started with something very
23 practical. We never had a laundry room. My wife
24 -- we've been here 20 years; my wife has always
25 wanted to have a laundry room. We've got a washer

1 and dryer in a closet in the kitchen. And then we
2 thought, well, maybe we can convert the garage,
3 and we went down that path. And I don't really
4 have a place to work here. I'd like a study, and
5 I could use one. So we thought, well, we can put
6 that in what's now a garage. So then we started
7 thinking along the lines of, well, if we do this,
8 how are we going to do this in a way that it fits
9 in our neighborhood. I guess Mr. Watson will tell
10 you that our house is the smallest house around
11 here. Our square footage is about 4,000-square
12 feet. Across the street and right next to us on
13 one side is more than 50% larger than that, and
14 then on the other side, it's twice as large as
15 ours. At the same time, we have among the largest
16 properties on our street. In any case, we wanted
17 to do it in a way that it would enhance the curb
18 appeal of our house and make it better.

19 As I said, we've lived here about 20
20 years. We've never done anything substantial to
21 the house. But we came to this point and thought
22 we want to live here for a good number more years
23 and maybe we should do it now. And so, that is
24 how the detached garage idea was hatched. And,
25 you know, again, it was to give us the space that

1 we wanted to get the garage out of our house
2 because, right now, the garage is right next to
3 our kitchen and dining room. I mean it's in the
4 house and our bedroom is sitting on top of it, and
5 we didn't think that was ideal. And David showed
6 us a way to do it where it would fit in our
7 neighborhood, the way, the look of the other
8 houses in our neighborhood, and give our house a
9 scale from the street that's more comparable to
10 what you would see if you walked down our street.

11 And then, again, these started out
12 as very practical considerations. The attic -- we
13 have an attic. We can get to it, but we have to
14 go up and down a ladder. And if you do get up
15 there with a box then, well, you better be careful
16 because you're probably going to bump your head.
17 And we're not young anymore and it's not easy to
18 go up and down that ladder. So we thought, well,
19 what would we do up there, and if we do it, how
20 would we do it in a way that made our house better
21 within the context of our neighbors and within you
22 know something that would give us what we wanted
23 but also fit in better in our neighborhood. And
24 so, David helped us with that. And David said we
25 (technical interference) you know, he said we've

1 got a spa, and that's kind of flattering to me,
2 but it's not -- I mean we do want to have a sauna
3 up there. And again, it gets back to a very
4 practical thing. I know this is on the public
5 record but I've got really high blood pressure and
6 getting in that sauna every day, which now I have
7 to go somewhere to do that -- but it keeps me from
8 having to take as much medicine as I would have
9 to. And so, we want to have it and have a bedroom
10 up there.

11 You might have figured out that I
12 didn't grow up around here. We don't have family
13 up here, but we have big families and they come to
14 visit us, and we want to have you know space to
15 put them up when they come to visit us, which they
16 do. And so when we started looking at how do we
17 deal with the attic and having stairs to go up to
18 the attic and be able to use it in a way we would
19 like to use it. David helped us with that.
20 Again, not just so could get what we wanted out of
21 it but to make it fit in with the houses around
22 us. And the houses around us; they have steep
23 roofs. Our roof is low. It is noticeably -- the
24 pitch of our roof is noticeably lower than the
25 other roofs and we know that. And we know that

1 other people have finished space up there, but we
2 really -- practically we can't do much up there
3 without having a higher-pitched roof is what it
4 comes down to. And if you're going to have stairs
5 to go up there and finish the space, well, you
6 want to have light come in there. And so that's
7 where the dormers come in. I guess that's about
8 all I would say.

9 The only other thing I would say is
10 that David, I didn't know we were reducing our
11 impervious space. I'm glad to hear that. But I
12 knew that we weren't going to make it larger. You
13 know we've got a tennis court back there and I
14 guess you all would consider that impervious. But
15 the reality is that it's the opposite of
16 impervious. It's a clay court and it, in fact,
17 it's like all-natural material and it's layer
18 after layer of progressively larger stones going
19 down about 3-feet. And it's basically a drainage
20 system that you can play a sport on top of it.
21 And that's just the reality.

22 And we -- the other thing that was
23 important to us was the environment around our
24 house. If you came here you'd see in the spring
25 it's like a combination of a bird sanctuary and an

1 arboretum. I mean we have probably 100 different
2 species of plants, many dozens of trees;
3 hardwoods, fruit trees, evergreen. And we spend
4 quite a lot of time keeping it like that. Even
5 the tennis court fence, we've turned into a garden
6 of flowering vines. It's got hydrangeas,
7 wisterias, honeysuckle, two varieties of
8 grapevines that produce growing on it. And so
9 it's important to keep our property looking very
10 natural. And we want to do something that makes
11 it the way we want it to be for us to live in the
12 rest of the time we live here, but also in a way
13 that the neighbors would appreciate. And we've
14 talked to our neighbor, our next-door neighbors,
15 and I can promise you that they'll be delighted
16 that we would do something to our house. We've
17 waited 20 years and we'll be the last ones around
18 here to do anything to this house if you all --
19 and I want to do things to our house if you let
20 us. Our neighbors, they've already done their
21 improvements and we'd like to step up if we have
22 the chance. That's all.

23 CHAIRMAN FUSARO: Thank you,
24 Mr. King. I've got to tell you; we hear a lot of
25 stories and a lot of testimony here, but I've

1 never heard anyone say that we started out with
2 adding and we wanted a laundry room in our house
3 and now we have five variances to build that
4 laundry room. That's a new one.

5 (Laughter.)

6 MR. KING: Well, I hope I have your
7 sympathy. It's like pulling a thread on a
8 sweater, and I just kept pulling it and pretty
9 soon, there's won't be a sweater.

10 CHAIRMAN FUSARO: I've got to tell
11 you, it would be a lot cheaper to buy a washing
12 machine/dryer and put it in a closet.

13 MR. KING: I'll just go to the
14 Laundromat.

15 CHAIRMAN FUSARO: Thank you very
16 much for your time. We'll continue the
17 application. You will be first up I believe at
18 our meeting in April. I believe it's April 11,
19 and it will be in person.

20 MR. KING: By the way, if you could
21 push me until May just because I'll be in
22 California on April 11.

23 CHAIRMAN FUSARO: That would be
24 fine.

25 MR. KING: I'm not in any kind of --

1 it's not anything urgent for me. Would that be
2 okay if I attended in May?

3 MR. SAMMET: Yeah.

4 MS. RAZIN: Absolutely. Our May
5 meeting is --

6 MR. SAMMET: I'm looking it up now.

7 CHAIRMAN FUSARO: The 9th. May the
8 9th.

9 MS. RAZIN: Mr. King, your
10 application will be carried without notice to
11 May 9, as of now.

12 MR. KING: Okay. May 9 at 7:30,
13 I'll be there.

14 CHAIRMAN FUSARO: In person.

15 MS. RAZIN: In person.

16 MR. KING: Yes, I'll be there
17 in-person.

18 CHAIRMAN FUSARO: Thank you so much.
19 Mr. Watson, thank you. We'll see you next time.

20 MS. HROBLAK: Before we adjourn, I
21 have a question.

22 CHAIRMAN FUSARO: Yes, Allyson. Go
23 ahead.

24 MS. HROBLAK: The applicant had
25 mentioned the clay courts have some sort of

1 subsurface --

2 CHAIRMAN FUSARO: Drainage system,
3 yes.

4 MS. HROBLAK: Yes. And I'm
5 wondering if anybody can collect that information.
6 It may be on some old design plans.

7 CHAIRMAN FUSARO: Yeah. Perhaps
8 Mr. Watson can elaborate.

9 MS. HROBLAK: Perhaps even available
10 by doing a shallow hand-done test pit to see what
11 the profile below the clay court.

12 MR. KING: Certainly. I think I
13 have something on it from when it was built. It's
14 been there let's say -- it's been there at least
15 20 years.

16 MS. HROBLAK: If you have design
17 plans from that, that would be perfect.

18 MR. KING: I'm sorry -- 20 -- I've
19 been here 20. It's been there at least 40 years,
20 and I think maybe 50 or 60. The people who owned
21 this house, and Bill Smith who lives a couple
22 doors down, they had tennis courts put in at the
23 same time, and I think that was 40 or 50 years
24 ago. And I think I might have some paperwork on
25 it to show you.

1 MS. HROBLAK: That would be great if
2 you could get that to us.

3 CHAIRMAN FUSARO: If you could bring
4 that, that would be great.

5 MR. KING: Certainly.

6 CHAIRMAN FUSARO: Thank you so much.
7 Have a great evening.

8 MR. MASCIALE: I'll make a motion to
9 adjourn.

10 MR. REISEN: I second it.

11 CHAIRMAN FUSARO: Everyone in favor,
12 aye.

13 BOARD MEMBERS: Aye.

14 MR. SAMMET: Can you hold on a
15 second, Frank?

16 CHAIRMAN FUSARO: Yes, Don.

17 MR. SAMMET: Mr. Laczynski has
18 already written to the mayor expressing his
19 displeasure. So the mayor wrote to you and I,
20 Frank.

21 CHAIRMAN FUSARO: Okay. No problem.
22 Last time I checked, the council meetings ended
23 way before. But I will address it tomorrow. I'll
24 give you a call in the morning. Is that okay?

25 (Crosstalk.)

1 MR. SAMMET: I'm sorry, Frank.

2 CHAIRMAN FUSARO: I'll give you a
3 call in the morning, and then if need be, we'll
4 get on a conference call with Shelley.

5 MR. SAMMET: Yeah, if you want.

6 MS. MOLNAR: We can't do hybrid
7 though; right?

8 MR. SAMMET: Yeah. The gentleman is
9 upset that we don't have that option, number one.
10 And number two, that the meeting is the week of
11 spring break. He's very upset.

12 MS. HROBLAK: Does he have to be at
13 the meeting?

14 MR. SAMMET: Yes.

15 MR. MASCIALE: Does he know we had a
16 meeting on Valentine's Day?

17 CHAIRMAN FUSARO: Yeah, exactly. My
18 wife expressed displeasure with that. It was my
19 anniversary in my head.

20 MR. MASCIALE: The only meetings --

21 MR. SAMMET: Hold on. Hold on.
22 Hold on.

23 MR. MASCIALE: We're still
24 recording.

25 MR. SAMMET: Yeah. We're still

1 live.

2 MS. RAZIN: Right. I was going to
3 say --

4 MR. SAMMET: We're still live.
5 Yeah.

6 MS. RAZIN: Do you want to discuss
7 it offline? I don't know.

8 MR. SAMMET: Right. We'll discuss
9 it offline.

10 MS. RAZIN: If you need me for any
11 part of it, you let me know.

12 MS. HROBLAK: It's 11:51 now.

13 CHAIRMAN FUSARO: Thank you so much,
14 everyone. Have a great evening. Safe travel home
15 for everyone who is at their office.

16

17 (The meeting was adjourned at
18 11:51 p.m.)

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